

## ORDINANCE NO. 788

AN ORDINANCE RELATING TO THE OREGON REVISED STATUTES REFERENCED IN THE CITY CODE, CITY OF STAYTON; AMENDING ALL CODE SECTIONS REFERENCING OREGON REVISED STATUTES THAT WERE AMENDED OR REPEALED BY OREGON LAWS, 1996 SPECIAL SESSION AND 1997 REGULAR SESSION; ADOPTING THOSE OREGON REVISED STATUTES AS AMENDED, AND REPEALING THOSE OREGON REVISED STATUTES REPEALED BY OREGON LAWS, 1996 SPECIAL SESSION AND 1997 REGULAR SESSION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF STAYTON THAT:

Authority: This Ordinance is adopted under the authority of and pursuant to Oregon laws, and the authority of the City under the Charter of the City of Stayton.

Incorporation to Existing Ordinances: All ordinances and sections of the Stayton City Code referencing Oregon Revised Statutes ("ORS/Ch.") are hereby amended to reflect those amendments and repeals of the Oregon Revised Statutes as provided in Oregon Laws, 1996 Special Session and 1997 Regular Session.

### DIVISION 1. GENERAL PROVISIONS

Section 1A. Short Title. This ordinance shall be known as the "Oregon Revised Statutes Incorporation Ordinance" and cited herein as "ordinance".

Section 1B. Purposes, Policy and Scope. In the interest of facilitating consistency between references to the Oregon Revised Statutes in the Stayton City Code, and amendments and repeals to the Oregon Revised Statutes by the Oregon Session Laws, 1996 Special Session and 1997 Regular Session, it is the policy and intent of the City of Stayton to adopt all amendments to and repeals of, as provided in the Oregon Laws, 1996 Special Session and 1997 Regular Session, of the Oregon Revised Statutes provisions referenced in the Stayton City Code.

### DIVISION 2. SPECIFIC AMENDMENTS

Section 2A. Adoption of Amended Oregon Revised Statute Provisions. The following Oregon Revised Statutes are adopted as amended, and apply to any and all sections of the Stayton City Code wherein they are referenced.



## TITLE 2. ADMINISTRATION AND PERSONNEL

### Title 2, Chapter 34: Transportation Committee

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
2.34.870	Meetings	192.660	(1) adds health professional regulatory boards to list of investigations for which an executive session may be held. (2) changes labor negotiation default meetings from executive to open (4) prohibits attendance of media at executive sessions

### Title 2, Chapter 36: Planning Commission

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
2.36.930(5)	Rules & Regulations	192.660	same as above
2.36.940(2)	Approval of Plans/Plats	92.010	adds sale or grant by a public agency of a property line adjustment to definition of "partition land"
	Approval of Plans/Plats	92.018	exempts a county from being liable for damages if it sells a parcel created without proper authority
	Approval of Plans/Plats	92.044	numbering change, also requires certain notifications to persons proposing subdivisions
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	Approval of Plans/Plats	92.060	(4) changes certain monument measuring accuracy standards (5) changes definition of "insured institution" (7) references new (10) as exception to surveys (10) allows property transferred via a property line adjustment to be exempted from survey requirements
	Approval of Plans/Plats	92.065	(1) explains letter of credit previously required of a "commercial bank" may now be obtained from an institution that qualifies as an "insured institution"
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	Approval of Plans/Plats	92.120	same as above, plus grammatical correction
	Approval of Plans/Plats	92.175	adds condominium and utility easements to public dedication provisions
	Planning and Zoning Hearings and Review	227.170	requires city councils to issue certain statements regarding zone change and permit decisions
	Planning and Zoning Hearings and Review	227.173	removes certain writing requirements for land use decisions



**Title 2, Chapter 36: Planning Commission - Continued**

<b>Stayton Code # Summary of Changes</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	
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	Planning and Zoning Hearings and Review	227.178	(7) grammatical change only (8) new subsection creates guidelines for obtaining a refund of unexpended permit application fees
	City Planning and Recycling	227.450 new	requires any new dwellings with more than ten residences to provide adequate space for waste collection and disposal trucks
2.36.950(2)	Planning Commission Training & Education	All of Ch. 92 & 227	affects same sections in chapters 92 and 227 as noted above

**Title 2, Chapter 44: Emergency Management Plan**

<b>Stayton Code # Summary of Changes</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	
2.44.1020	Spill Response and Cleanup of Hazardous Materials	466.605	eliminates ORS 431.175 (certain communicable disease agents) from definition of "Hazardous Material"
2.44.1050(3)	Authority of Emergency Management Director	401.135	removes \$5,000 limitation for financial grants awarded to families experiencing disaster-related expenses
	Emergency Management, Generally	401.309 new	allows cities and counties to enact their own (certain) emergency procedures
	Seismic Safety	401.337	changes Seismic Safety Policy Advisory Committee membership number and positions
	Seismic Safety	401.343	reduces Seismic Safety Policy Advisory Committee to a support entity
	Seismic Safety	401.345	puts a two year limitation on chair and vice chair positions of Seismic Safety Policy Advisory Committee

**TITLE 8. HEALTH & SAFETY**

**Title 8, Chapter 16: Control of Insect Pests**

<b>Stayton Code # Summary of Changes</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	
8.16.780	Health & Safety: Abatement Remedies in Pest Control	203.230	removes certain compensation requirements for new county commissioners
	Organization of County Board of Commissioners	203.240	numerical reference change in (c) only



## TITLE 9. PUBLIC PEACE, MORALS AND WELFARE

### Title 9, Chapter 4: Adoption of State Law

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
9.04.010	State Statutes Adopted	161.565	clarifies who may declare a misdemeanor for violation of ORS 811.540 (fleeing from police) or 813.010 (driving under the influence of intoxicants)
	Disposition of Offenders	161.665	new provision allowing a judgment to include repayment of costs by convicted defendant who uses appointed counsel
	Definitions for Escape	162.135	change of word usage only: "Juvenile Facility" changed to "Youth Correctional Facility"
	Definitions for Supply of Contraband	162.185	same as above
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	Homicide	163.095	adds victims under 14 to list of circumstances that will elevate murder to aggravated murder
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	Homicide	163.118	(1) allows a specific defense for religious beliefs
	Homicide	163.125	same as above for manslaughter in the second degree
	Homicide	163.150	changes the fourth question in aggravated murder penalty phase and requires a specific jury instruction
	Assault	163.160	upgrades assault in the fourth degree from a misdemeanor to a felony if victim's child witnesses the assault. Effective July 1, 1998
	Assault	163.165	textual word usage change only
	Offenses Against Family	163.537 new	prohibits purchase or sale of right to have custody of a child, includes it within the definition of child abuse for reporting purposes
	Offenses Against Children	163.665	clarifies definition of "visual depiction" for purposes of crime of sexual depiction of children, includes use of electronic media
	Offenses Against Children	163.688 new	creates the crime of possession of materials depicting sexually explicit conduct of a child
	Stalking	163.738	clarifies what must be included in a general citation
	Valuing Stolen Property	164.115	establishes valuation of a gambling chip for property valuation purposes
	Forgery Offenses	165.072	enlarges definition of "financial institution" for purposes of forgery offenses
	Intimidation/Racial Crimes	166.165	grammatical change; deletes serial comma
	Weapons Possession	166.272	allows registration of firearm as defense to unlawful possession of machine gun, etc.





## Title 9, Chapter 4: Adoption of State Law - Continued

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
	Weapons Possession	166.280	makes proceeds from the sale of a gun sold to a person later convicted of unlawful concealed weapons charge payable to State
	Weapons Possession	166.372	Repealed. Replaced by 339.250, which requires a school district to expell a student for one year for bringing a weapon to school
	Racketeering	166.715	creates crime of cheating while involved in gambling activities and classifies it as a racketeering activity
	Racketeering	166.720	clarifies definition of "pattern" of racketeering activity
	Racketeering	166.725	deletes redundant provision only
	Gambling Offenses	167.117	defines various lawful gambling activities and events
	Gambling Offenses	167.118	defines various licensing requirements for lawful gambling activities and events
	Gambling Offenses	167.122	defines crime of unlawful gambling in the second degree
	Gambling Offenses	167.127	defines crime of unlawful gambling in the first degree
	Controlled Substances	167.242	repealed & replaced by 167.243 - defines any exemption in drug laws as a defense to any drug offense
	Controlled Substances	167.247	repealed & replaced by 167.248 - search & seizure guidelines for district attorney or officer who has information regarding the transport of illegal substances

## Title 9, Chapter 24: Offenses by or Against Minors

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
9.24.510(3)(a)	Curfew Offenses by Minors	109.550	repealed: no replacement
	Curfew Offenses by Minors	109.555	repealed: no replacement
	Curfew Offenses by Minors	109.560	repealed: no replacement
	Curfew Offenses by Minors	109.565	repealed: no replacement

## TITLE 10. VEHICLES & TRAFFIC

### Title 10, Chapter 12: Stopping, Standing, and Parking

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
10.12.210(3)	Parking for the Disabled	811.600	allows an "additional" fee provision for winter recreation permits
	Parking for the Disabled	811.611	new provision allowing disabled parking permit for a person visiting from a foreign country
	Parking for the Disabled	811.615	allows a judge to suspend a limited portion of a fine for blocking a parking space reserved for the disabled
	Parking for the Disabled	811.632	clarifies offense of blocking a parking space reserved for the disabled



	Parking for the Disabled	811.640	allows a fee for issuance of a foreign visitor placard when requesting a disabled person parking permit
10.12.260	Vehicle Code: Places where stopping, standing, and parking is prohibited	811.550	(2) corrects word choice only, from "flagperson" to "flagger"

## TITLE 13. PUBLIC SERVICES

### Title 13, Chapter 12: Systems Development Charge

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
13.12.230(1)	Master Utilities Plan: Systems Development	All of Ch. 294	specific changes are as follows:
	Financial Administration	294.004	word usage change only
	Financial Administration	294.033	word usage change only
	Financial Administration	294.035	clarifies permissible investments for custodial officer of any sinking fund, bond fund, or surplus account
	Local Budget Laws	294.525 new	Adds accrual basis as accepted method of accounting, modifies notice and hearing requirements for the local budget committee, establishes reserve funds and a process for payment of specified bonds and natural disasters. Applies to fiscal years beginning on or after July 1, 1998
	Local Budget Law definitions	294.311	redefines "accrual basis" accounting, redefines "activity" to a specific service, redefines "liabilities" to comport with accrual basis taxpayers, deletes definition of "working capital fund"
	Local Budget Law purposes	294.321	choice of words change only
	Local Budget Law	294.326	allows municipal corporation to expend money without complying with ORS provisions only under certain circumstances
	Local Budget Law	294.336	changes municipal budget committee appointed position from chairman and secretary to merely a "presiding officer"
	Local Budget Law	294.341	changes budget committee requirement for cities with 100,000 in population to 200,000
	Local Budget Law	294.361	changes budget committee guidelines based on new definitions in 294.311 (above)
	Local Budget Law	294.371	allows an exceptions for budgetary expenditures
	Local Budget Law	294.381	changes formula by which a municipal corporation shall estimate the amount of revenues that will be raised from property taxes in the upcoming year
	Local Budget Law	294.386	clarifies municipal corporation financial summary guidelines
	Local Budget Law	294.391	changes guidelines for preparation of municipal corporation budget message
	Local Budget Law	294.401	changes notice and meeting requirements for budget committee meetings



Local Budget Law	294.406	changes notice and meeting requirements for approval of the municipal budget
Local Budget Law	294.411	changes population requirement for submission of tax documentation from 100,000 to 200,000
Local Budget Law	294.413	numbering change only

**Title 13, Chapter 12: Systems Development Charge - Continued**

<b>Stayton Code # Summary of Changes</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	
	Local Budget Law	294.416	allows statement of explanation for change in accounting methods rather requiring a certification by the chairman of the budget committee
	Local Budget Law	294.418	clarifies guidelines for the publication of the budget summary
	Local Budget Law	294.421	changes publication requirements for budget summary document approved by the budget committee
	Local Budget Law	294.425	allows for certain publication errors to exist in a budget document and it will still be considered sufficient for notification purposes
	Local Budget Law	294.430	changes municipal population requirement for budget document submission to the county tax commission from 100,000 to 200,000 people
	Local Budget Law	294.435	allows committee to make amendments to an adopted budget if before next fiscal year
	Local Budget Law	294.445	clarifies selection of accounting method in light of new definitions for modified accrual method
	Local Budget Law	294.450	word choice change only
	Local Budget Law	294.455	allows for more prompt action by a municipality in the event of a natural disaster
	Local Budget Law	294.470	defines internal service fund
	Local Budget Law	294.480	details of operation of an internal service fund
	Local Budget Law	294.483	exempts certain bond funds from list of items that will trigger need to adopt a supplemental budget
	Local Budget Law	294.485	modifies rules for ability to bring an appeal against an ad valorem property tax
	Local Budget Law	294.555	changes tax records a municipality must file with the county assessor

**TITLE 17. ZONING**

**Title 17, Chapter 4: General Provisions**

<b>Stayton Code # Summary of Changes</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	
17.04.100	Condominiums	94.004 - 94.480	renumbered to 100.005-100.660, with changes as follows:
	Condominiums, Generally	100.005	includes floating structures in the definition of "building"



Condominiums, Generally	100.020	for purposes of condominiums provision changes legal access requirements, incorporates floating structures into condominium definitions
Condominiums, Generally	100.105	expands description requirements of the list of "limited common elements" for purposes of the condominium declaration
Condominiums, Generally	100.110	exempts need to gain approval from county commissioner to transfer a right of use of a limited common element

**Title 17, Chapter 4: General Provisions - Continued**

**Stayton Code #  
Summary of  
Changes**

<b>ORS Code Subject</b>	<b>ORS #</b>	
Condominiums, Generally	100.115	makes changes to recording requirements based on inclusion of floating structures, defines requirements for plat amendments
Condominiums, Generally	100.135	changes approval requirements of plat amendments
Condominiums, Generally	100.140 new	allows for temporary relocation of a floating structure
Rights & Duties of Condominium Declarants	100.175	limits time period under which declarants may defer payment of accrued assessments
Conversion of Condominiums	100.310	clarifies offer for sale requirements in the case that public report has been waived
Condominium Associations, management, conveyance	100.405	new rules affecting modification of common elements and limited common elements of a condominium association
Condominium Associations, management, conveyance	100.425 new	allows a condo association to effect a vote without a meeting by delivering written ballots to each member entitled to vote, unless prohibited by the articles/bylaws
Condominium Associations, management, conveyance	100.450	specifies that any assessment levied against a unit shall be specifically prior to a homestead exemption, makes certain exceptions for small associations and subordination agreements
Condominium Associations, management, conveyance	100.475	references new provision in section .450 (above) in foreclosures
Removal of property from unit ownership	100.600	makes additional specifications for terminating a condo association
Regulation of Condo Sales	100.640	renumbered subsection only change
Regulation of Condo Sales	100.655	changes certain aspects of a disclosure statement for purposes of negotiating the sale of a condominium in another state
Criminal Penalties for violating Condo Regulations	94.991	renumbered only; now located at 100.990 (criminal penalties)
Licensed Adult Foster Homes	443.740	eliminates disclosure by the home of the number of complaints over past five years, requires only to give information regarding where to access public information





**Title 17, Chapter 12: Development & Approval Process**

Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
17.12.417	Land Use: Substantial Changes in Application after Filing		* Refers to "applicable state law" see sections below:
17.12.450(6)(b)	Land Use Variances	All of Ch. 92	see discussion regarding Stayton Code 2.36.940(2) for changes to Ch. 92

**Title 17, Chapter 24: Land Divisions**


Stayton Code # Summary of Changes	ORS Code Subject	ORS #	
17.24.1030(1)	Subdivisions & Partitions	All of Ch. 92	see discussion regarding Stayton Code 2.36.940(2) for changes to Ch. 92
17.24.1040	Planning Commission Approval of Plans/Plats Surveyors	92.080	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.080
		209.250	changes certain map and record requirements, certain timing requirements for registered land surveyors
	Planning Commission Approval of Plans/Plats	92.050	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.050
	Planning Commission Approval of Plans/Plats	92.120	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.120

These are summaries only. The actual textual changes are located on file at Stayton City Hall.

PASSED BY THE STAYTON CITY COUNCIL this 3rd day of August, 1998.

CITY OF STAYTON

Date: 8-7, 1998

By:   
DAPHNE GIROD, Mayor

Date: 8-10, 1998

By:   
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:  
Date: 8/12, 1998

  
DAVID A. RHOTEN, City Attorney



CITY OF STAYTON

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**LEGISLATIVE AMENDMENTS (ORS)  
AFFECTING STAYTON CITY CODE**

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**1996 Special Session and 1997 Regular Session**

Legislative Changes in ORS Affecting  
References in Stayton's City Code

Proposed Ordinance

David A. Rhoten, Stayton City Attorney  
Lawrence W. Andrews, Associate  
Cynthia N. Moseley, Associate  
Lori L. Volkman, Law Clerk



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MEMORANDUM  
City of Stayton

TO: Mayor Girod and Stayton City Council  
FROM: David A. Rhoten, City Attorney  
DATE: May 29, 1998  
SUBJECT: 1996 Special Legislative Changes to ORS  
1997 Legislative Changes to ORS  
Proposed Ordinance

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SUMMARY

Attached is a matrix reflecting Stayton's Municipal Code references to Oregon Revised Statutes (ORS) for both the 1996 Special Legislative Session and the 1997 Regular Legislative Session.

It is important that Council Members have the opportunity to review the actual text of the amendments and additions to ORS. I will present this Memorandum and review the proposed ordinance at the Council's regular meeting after Mayor Girod and the Council Members have had adequate opportunity to review.

STAFF RECOMMENDATION

Information is attached for the Council's information and review. No action is requested at this time. Proposed ordinance is to be placed on Council's agenda, following review and comments.





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AN ORDINANCE RELATING TO THE OREGON REVISED STATUTES REFERENCED IN THE CITY CODE, CITY OF STAYTON; AMENDING ALL CODE SECTIONS REFERENCING OREGON REVISED STATUTES THAT WERE AMENDED OR REPEALED BY OREGON LAWS, 1996 SPECIAL SESSION AND 1997 REGULAR SESSION; ADOPTING THOSE OREGON REVISED STATUTES AS AMENDED, AND REPEALING THOSE OREGON REVISED STATUTES REPEALED BY OREGON LAWS, 1996 SPECIAL SESSION AND 1997 REGULAR SESSION.

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Section 2A. Adoption of Amended Oregon Revised Statute Provisions. The following Oregon Revised Statutes are adopted as amended, and apply to any and all sections of the Stayton City Code wherein they are referenced.

City of Stayton Ordinance No. \_\_\_\_\_, Including Summary of  
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	Weapons Possession	166.280	makes proceeds from the sale of a gun sold to a person later convicted of unlawful concealed weapons charge payable to State
	Weapons Possession	166.372	Repealed. Replaced by 339.250, which requires a school district to expell a student for one year for bringing a weapon to school
	Racketeering	166.715	creates crime of cheating while involved in gambling activities and classifies it as a racketeering activity
	Racketeering	166.720	clarifies definition of "pattern" of racketeering activity
	Racketeering	166.725	deletes redundant provision only
	Gambling Offenses	167.117	defines various lawful gambling activities and events
	Gambling Offenses	167.118	defines various licensing requirements for lawful gambling activities and events
	Gambling Offenses	167.122	defines crime of unlawful gambling in the second degree
	Gambling Offenses	167.127	defines crime of unlawful gambling in the first degree
	Controlled Substances	167.242	repealed & replaced by 167.243 - defines any exemption in drug laws as a defense to any drug offense
	Controlled Substances	167.247	repealed & replaced by 167.248 - search & seizure guidelines for district attorney or officer who has information regarding the transport of illegal substances

**Title 9, Chapter 24: Offenses by or Against Minors**

Stayton Code #	ORS Code Subject	ORS #	Summary of Changes
9.24.510(3)(a)	Curfew Offenses by Minors	109.550	repealed: no replacement
	Curfew Offenses by Minors	109.555	repealed: no replacement
	Curfew Offenses by Minors	109.560	repealed: no replacement
	Curfew Offenses by Minors	109.565	repealed: no replacement

**TITLE 10. VEHICLES & TRAFFIC**

**Title 10, Chapter 12: Stopping, Standing, and Parking**

Stayton Code #	ORS Code Subject	ORS #	Summary of Changes
10.12.210(3)	Parking for the Disabled	811.600	allows an "additional" fee provision for winter recreation permits
	Parking for the Disabled	811.611 new	new provision allowing disabled parking permit for a person visiting from a foreign country

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**Title 10, Chapter 12: Stopping, Standing, and Parking - Continued**

Stayton Code #	ORS Code Subject	ORS #	Summary of Changes
	Parking for the Disabled	811.615	allows a judge to suspend a limited portion of a fine for blocking a parking space reserved for the disabled
	Parking for the Disabled	811.632	clarifies offense of blocking a parking space reserved for the disabled
	Parking for the Disabled	811.640	allows a fee for issuance of a foreign visitor placard when requesting a disabled person parking permit
10.12.260	Vehicle Code: Places where stopping, standing, and parking is prohibited	811.550	(2) corrects word choice only, from "flagperson" to "flagger"

**TITLE 13. PUBLIC SERVICES**

**Title 13, Chapter 12: Systems Development Charge**

Stayton Code #	ORS Code Subject	ORS #	Summary of Changes
13.12.230(1)	Master Utilities Plan: Systems Development	All of Ch. 294	specific changes are as follows:
	Financial Administration	294.004	word usage change only
	Financial Administration	294.033	word usage change only
	Financial Administration	294.035	clarifies permissible investments for custodial officer of any sinking fund, bond fund, or surplus account
	Local Budget Laws	294.525 new	Adds accrual basis as accepted method of accounting, modifies notice and hearing requirements for the local budget committee, establishes reserve funds and a process for payment of specified bonds and natural disasters. Applies to fiscal years beginning on or after July 1, 1998
	Local Budget Law definitions	294.311	redefines "accrual basis" accounting, redefines "activity" to a specific service, redefines "liabilities" to comport with accrual basis taxpayers, deletes definition of "working capital fund"
	Local Budget Law purposes	294.321	choice of words change only
	Local Budget Law	294.326	allows municipal corporation to expend money without complying with ORS provisions only under certain circumstances
	Local Budget Law	294.336	changes municipal budget committee appointed position from chairman and secretary to merely a "presiding officer"
	Local Budget Law	294.341	changes budges committee requirement for cities with 100,000 in population to 200,000
	Local Budget Law	294.361	changes budget committee guidelines based on new definitions in 294.311 (above)

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**Title 13, Chapter 12: Systems Development Charge - Continued**

<b>Stayton Code #</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	<b>Summary of Changes</b>
	Local Budget Law	294.371	allows an exceptions for budgetary expenditures
	Local Budget Law	294.381	changes formula by which a municipal corporation shall estimate the amount of revenues that will be raised from property taxes in the upcoming year
	Local Budget Law	294.386	clarifies municipal corporation financial summary guidelines
	Local Budget Law	294.391	changes guidelines for preparation of municipal corporation budget message
	Local Budget Law	294.401	changes notice and meeting requirements for budget committee meetings
	Local Budget Law	294.406	changes notice and meeting requirements for approval of the municipal budget
	Local Budget Law	294.411	changes population requirement for submission of tax documentation from 100,000 to 200,000
	Local Budget Law	294.413	numbering change only
	Local Budget Law	294.416	allows statement of explanation for change in accounting methods rather requiring a certification by the chairman of the budget committee
	Local Budget Law	294.418	clarifies guidelines for the publication of the budget summary
	Local Budget Law	294.421	changes publication requirements for budget summary document approved by the budget committee
	Local Budget Law	294.425	allows for certain publication errors to exist in a budget document and it will still be considered sufficient for notification purposes
	Local Budget Law	294.430	changes municipal population requirement for budget document submission to the county tax commission from 100,000 to 200,000 people
	Local Budget Law	294.435	allows committee to make amendments to an adopted budget if before next fiscal year
	Local Budget Law	294.445	clarifies selection of accounting method in light of new definitions for modified accrual method
	Local Budget Law	294.450	word choice change only
	Local Budget Law	294.455	allows for more prompt action by a municipality in the event of a natural disaster
	Local Budget Law	294.470	defines internal service fund
	Local Budget Law	294.480	details of operation of an internal service fund
	Local Budget Law	294.483	exempts certain bond funds from list of items that will trigger need to adopt a supplemental budget
	Local Budget Law	294.485	modifies rules for ability to bring an appeal against an ad valorem property tax
	Local Budget Law	294.555	changes tax records a municipality must file with the county assessor

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## TITLE 17. ZONING

<b>Title 17, Chapter 4: General Provisions</b>			
Stayton Code #	ORS Code Subject	ORS #	Summary of Changes
17.04.100	Condominiums	94.004 - 94.480	renumbered to 100.005-100.660, with changes as follows:
	Condominiums, Generally	100.005	includes floating structures in the definition of "building" for purposes of condominiums provision
	Condominiums, Generally	100.020	changes legal access requirements, incorporates floating structures into condominium definitions
	Condominiums, Generally	100.105	expands description requirements of the list of "limited common elements" for purposes of the condominium declaration
	Condominiums, Generally	100.110	exempts need to gain approval from county commissioner to transfer a right of use of a limited common element
	Condominiums, Generally	100.115	makes changes to recording requirements based on inclusion of floating structures, defines requirements for plat amendments
	Condominiums, Generally	100.135	changes approval requirements of plat amendments
	Condominiums, Generally	100.140 new	allows for temporary relocation of a floating structure
	Rights & Duties of Condominium Declarants	100.175	limits time period under which declarants may defer payment of accrued assessments
	Conversion of Condominiums	100.310	clarifies offer for sale requirements in the case that public report has been waived
	Condominium Associations, management, conveyance	100.405	new rules affecting modification of common elements and limited common elements of a condominium association
	Condominium Associations, management, conveyance	100.425 new	allows a condo association to effect a vote without a meeting by delivering written ballots to each member entitled to vote, unless prohibited by the articles/bylaws
	Condominium Associations, management, conveyance	100.450	specifies that any assessment levied against a unit shall be specifically prior to a homestead exemption, makes certain exceptions for small associations and subordination agreements
	Condominium Associations, management, conveyance	100.475	references new provision in section .450 (above) in foreclosures
	Removal of property from unit ownership	100.600	makes additional specifications for terminating a condo association
	Regulation of Condo Sales	100.640	renumbered subsection only change
	Regulation of Condo Sales	100.655	changes certain aspects of a disclosure statement for purposes of negotiating the sale of a condominium in another state

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<b>Title 17, Chapter 4: General Provisions - Continued</b>			
<b>Stayton Code #</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	<b>Summary of Changes</b>
	Criminal Penalties for violating Condo Regulations	94.991	renumbered only; now located at 100.990 (criminal penalties)
	Licensed Adult Foster Homes	443.740	eliminates disclosure by the home of the number of complaints over past five years, requires only to give information regarding where to access public information

<b>Title 17, Chapter 12: Development &amp; Approval Process</b>			
<b>Stayton Code #</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	<b>Summary of Changes</b>
17.12.417	Land Use: Substantial Changes in Application after Filing	* Refers to "applicable state law"	see sections below:
17.12.450(6)(b)	Land Use Variances	All of Ch. 92	see discussion regarding Stayton Code 2.36.940(2) for changes to Ch. 92

<b>Title 17, Chapter 24: Land Divisions</b>			
<b>Stayton Code #</b>	<b>ORS Code Subject</b>	<b>ORS #</b>	<b>Summary of Changes</b>
17.24.1030(1)	Subdivisions & Partitions	All of Ch. 92	see discussion regarding Stayton Code 2.36.940(2) for changes to Ch. 92
17.24.1040	Planning Commission Approval of Plans/Plats	92.080	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.080
	Surveyors	209.250	changes certain map and record requirements, certain timing requirements for registered land surveyors
	Planning Commission Approval of Plans/Plats	92.050	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.050
	Planning Commission Approval of Plans/Plats	92.120	see discussion regarding Stayton Code 2.36.940(2) for changes to 92.120

These are summaries only. The actual textual changes are located on the following pages.

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THE FOLLOWING EXERPTS ARE PROVIDED FOR INFORMATIONAL PURPOSES. COUNCIL SHOULD NOT RELY ON THE SUMMARY AS PROVIDED IN PROPOSED ORDINANCE # \_\_\_\_\_, BUT SHOULD REVIEW THE ACTUAL TEXTUAL CHANGES. IN SOME INSTANCES YOU MAY NEED TO CONSULT ADDITIONAL MATERIALS, SUCH AS THE UNITED STATES CODE, OREGON ADMINISTRATIVE RULES, OREGON RULES OF COURT, AND OREGON RULES OF CIVIL PROCEDURE.

Changes are in BOLD PRINT,  
with additions indicated by <<+ Text +>>  
deletions indicated by <<- Text ->>  
and [Editor's Notes in brackets]

**TO AMEND ORS 192.660(1), EXERPT FROM SENATE BILL 235:**

192.660. (1) Nothing contained in ORS 192.610 to 192.690 shall be construed to prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for the holding of such executive session. Executive session may be held:

\* \* \*

<<+(k) By a health professional regulatory board to consider information obtained as part of an investigation of licensee or applicant conduct. Notwithstanding paragraph (b) or (c) of this subsection, subsection (4) of this section or ORS 192.650, the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of the matter investigated are governed by section 2 of this 1997 Act.+>>

**TO AMEND ORS 192.660(2), EXERPT FROM HOUSE BILL 2444:**

(2) Labor negotiations shall be conducted in <<-executive session unless either side of the negotiators requests->> open meetings <<+unless both sides of the negotiators request that negotiations be conducted in executive session+>>. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

**TO AMEND ORS 192.660(4) AND ADD (5), EXERPT FROM HOUSE BILL 3416:**

<<+(4) When a governing body convenes an executive session under subsection (1)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.+>>

<<-(4)->><<+(5)+>> No executive session may be held for the purpose of taking any final action or making any final decision.

**TO AMEND ORS 92.010 EXERPT FROM HOUSE BILL 2100:**

92.010. As used in ORS 92.010 to 92.190, unless the context requires otherwise:

\* \* \*

(7) "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

- (a) A division of land resulting from a lien foreclosure . . .
- (b) An adjustment of a property line by the relocation of a common boundary . . .
- (c) The division of land resulting from the recording of a subdivision or condominium plat; <<-or->>
- (d) A sale or grant by a person to a public agency . . . <<+; or+>>

<<+(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when

sequent receipts from tax levies that are otherwise required to be credited to such fund, together with any penalties  
+.>>>

ction does not apply to system development charges imposed under ORS 223.297 to 223.314, and no system  
s shall be credited to any reserve fund established under this section.+>>

**94.311. EXERPT FROM HOUSE BILL 2752:**

ditional text was subsequently changed in SENATE BILL 1215, which also follows. Elipses represet text which has  
se there were no substantive changes, although a renumbering of the statute may have occured.]

d in ORS 294.305 to 294.565, unless the context requires otherwise:

sis" means the <<-system of accounting under which revenues are recorded when earned or when levies are made,  
re recorded as soon as they result in liabilities for benefits received, notwithstanding that the receipt of the revenue  
expenditure may take place, in whole or in part, in another accounting period->> <<+recording of the financial  
pal corporation of transactions and other events and circumstances that have cash consequences for the municipal  
periods in which those transactions, events and circumstances occur, rather than only in the periods in which cash is  
the municipal corporation.+>>

means <<-that portion of the work of an organizational unit relating to a specific function or class of functions, a  
m, a subproject or subprogram or any convenient division thereof->> <<+a specific and distinguishable service  
or more organizational components of a municipal corporation to accomplish a function for which the municipal  
onsible.+>>

\* \* \*

of accounting" means the cash basis, the modified accrual basis or the accrual basis.+>>

\* \* \*

8)+>> "Cash basis" means <<-the system of accounting under which revenues are accounted for only when received in  
tures are accounted for only when paid->> <<+a basis of accounting under which transactions are recognized only in  
which cash is received or disbursed.+>>

\* \* \*

+13)+>> "Expenditure" means, if the accounts are kept on the accrual basis <<- , the total charge incurred, whether paid  
ing expense, provision for retirement of debt not reported as a liability of a fund from which retained and capital  
he modified accrual basis, decreases in net financial resources+>> and may include encumbrances. If the accounts are  
sis, the term covers only actual disbursement, the drawing of the check or warrant for these purposes and not encumbrances,  
ad employee compensation shall be included as a personal service expenditure where an approved deferred employee  
is in effect for a municipal corporation.

\* \* \*

+17)+>> "Grant" means a donation or contribution <<-by one->> <<+of cash to a+>> governmental unit <<-to another  
n or contribution may be made to aid in the support of a specified purpose or function or general purpose->> <<+by a

+18)+>> "Imprest cash account" means . . .

ernal service fund" means a fund properly authorized to finance, on a cost reimbursement basis, goods or services  
organizational unit of a municipal corporation to other organizational units of the municipal corporation.+>>

+20)+>> "Liabilities means <<-debt or other legal obligations arising out of transactions in the past which must be  
ved or refunded at some future date. The term should not be confined to items payable but not necessarily due->>  
ure sacrifices of economic benefits, arising from present obligations of a municipal corporation to transfer assets or  
to other entities in the future as a result of past transactions or events.+>> The term does not include encumbrances.

Modified accrual basis" means the accrual basis of accounting adapted to the governmental fund-type measurement  
is basis of accounting, revenues and other financial resource increments, such as bond proceeds, are recognized when  
ceptible to accrual, that is, when they become both measurable and available to finance expenditures in the current

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<<+(b) As used in this subsection, "available" means collectible in the current period or soon enough thereafter to be used to pay liabilities of the current period. Under this basis of accounting, expenditures are recognized when the fund liability is incurred except for:+>>

<<+(A) Inventories of material and supplies that may be considered expenditures either when purchased or when used; and+>>

<<+(B) Prepaid insurance and similar items that may be considered expenditures either when paid for or when consumed.+>>

\* \* \*

<<-(20)->><<+(23)+>> "Net working capital" means the sum of the cash <<-balance->>, <<+cash equivalents, investments,+>> accounts receivable expected to be <<-realized->> <<+converted to cash+>> during the ensuing year, inventories, supplies and prepaid expenses less current liabilities and, if <<-the->> encumbrance <<-method of->> accounting is adopted, reserve for encumbrances. <<-This->> <<+The+>> term is not applicable to <<-a strict->> <<+the+>> cash basis <<+of+>> accounting.

\* \* \*

<<+(30) "Publish" or "publication" means any one or more of the following methods of giving notice or making information or documents available to members of the general public:+>>

<<+(a) Publication in one or more newspapers of general circulation within the jurisdictional boundaries of the municipal corporation.+>>

<<+(b) Posting through the United States Postal Service by first class mail, postage prepaid, to each street address within the jurisdictional boundaries of the municipal corporation.+>>

<<+(c) Hand delivery to each street address within the jurisdictional boundaries of the municipal corporation.+>>

\* \* \*

<<-(31) "Working capital fund" or "intragovernmental service fund" means a fund of a fixed amount established to finance activities of a service nature. The amounts expended from the fund are restored thereto either by transfer from other funds or by repayment from other sources.->>

**TO FURTHER AMEND ORS 294.311, EXERPT FROM SENATE BILL 1215:**

294.311. As used in ORS 294.305 to 294.565, unless the context requires otherwise:

(14) "Fiscal year" means for municipal corporations with the power to <<- levy a tax upon property->> <<+impose ad valorem property taxes,+>> the fiscal year commencing on July 1 and closing on June 30, and for all other municipal corporations, an accounting period of 12 months ending on the last day of any month.

\* \* \*

<<+(26) "Operating taxes" has the meaning given that term in section 321 of this 1997 Act.+>>

[Editor's Note: the only changes to sections (26) - (34) is to renumber them (27) - (35) because of the insertion of (26) above.]

**TO AMEND ORS 294.321, EXERPT FROM HOUSE BILL 2752:**

294.321. The purposes of ORS 294.305 to 294.565 are:

(1) To establish standard procedures for the preparation, presentation, administration and appraisal of budgets of municipal corporations;

(2) To provide for <<-outlining->> <<+a brief description+>> of the programs of a municipal corporation and the fiscal policy which is to accomplish these programs;

[Editor's Note: no changes were made to sections (3) - (6)]

**TO FURTHER AMEND ORS 294.321, EXERPT FROM SENATE BILL 1215:**

(3) To provide for estimation of revenues, expenditures and proposed <<-tax levies->> <<+taxes;+>>

**TO AMEND ORS 294.326, EXERPT FROM HOUSE BILL 2752:**

294.326. (1) Except as provided in subsections ~~-(2) to (9)->~~ ~~+(3) to (11)+>~~ of this section, it is unlawful for any municipal corporation to expend money or to levy ~~a->~~ ~~an ad valorem->~~ tax in any year ~~upon property subject to taxation->~~ unless the municipal corporation has complied with ~~the provisions of->~~ ORS 294.305 to 294.565.

~~+(2) To the extent that any of subsections (3) to (11) of this section apply in a given case, the municipal corporation need not comply with ORS 294.305 to 294.565.+>~~

~~-(2)->~~~~+(3)+>~~ Subsection (1) of this section shall not apply to . . .

~~-(3)->~~~~+(4)+>~~ Subsection (1) of this section shall not apply whenever the governing body of a ~~port, dock commission or people's utility district or of a public utility or a hospital operation of a->~~ municipal corporation has declared the existence of an unforeseen occurrence or condition which could not have been foreseen at the time of the preparation of the budget for the current year or could not have foreseen a pressing necessity for the expenditure or has received a request for services or facilities, the cost of which shall be supplied by a private individual, corporation or company or by another governmental unit necessitating a greater expenditure of public money for any specific purpose or purposes than the amount budgeted therefor in order to provide the services for which it was responsible . . .

~~-(4)->~~~~+(5)+>~~ Subsection (1) of this section shall not apply to the expenditure during the current year of the proceeds of the sale of the following bonds ~~or other obligations->~~, or to the expenditure during the current year of other funds to pay debt service on the following bonds ~~or other obligations->~~:

\* \* \*

~~-(5)->~~~~+(6)+>~~ Notwithstanding subsection ~~-(4)->~~ ~~+(5)+>~~ of this section, subsection (1) of this section shall not apply to:

~~+(a)+>~~ Expenditures of funds received from the sale of conduit revenue bonds issued for private business or nonprofit corporations by cities, counties, ~~county service districts,+>~~ port districts, special districts, the Port of Portland or the State of Oregon or to pay debt service on such bonds ~~+>~~

~~+(b) Expenditures of funds that have been irrevocably placed in escrow for the purpose of defeasing and paying bonds; or->~~

~~+(c) Expenditures of assessments or other revenues to redeem bonds or other obligations that are payable from such assessments or other revenues, when such assessments or other revenues are received as a result of prepayments or other unforeseen circumstances.+>~~

~~-(6)->~~~~+(7)+>~~ Subsection (1) of this section shall not apply to expenditures of funds received from assessments against benefited property for local improvements as defined in ORS 223.001 ~~if at least 80 percent of the total->~~ ~~to the extent that the->~~ cost of such improvements is to be paid by owners of benefited property.

~~+(11) Subsection (1) of this section shall not apply to a newly formed municipal corporation during the fiscal year in which it was formed. If a new municipal corporation is formed between March 1 and June 30, subsection (1) of this section shall not apply to the municipal corporation during the fiscal year immediately following the fiscal year in which it was formed.+>~~

**TO FURTHER AMEND ORS 294.326, EXERPT FROM SENATE BILL 1215:**

294.326. (1) Except as provided in subsections (2) to (9) of this section, it is unlawful for any municipal corporation to expend money or to ~~levy->~~ ~~certify to the assessor->~~ a tax ~~to be imposed->~~ in any year upon property subject to taxation unless the municipal corporation has complied with the provisions of ORS 294.305 to 294.565.

**TO AMEND ORS 294.336, EXERPT FROM HOUSE BILL 2752:**

(8) The budget committee shall at its first meeting after its appointment elect a ~~chairman and a secretary->~~ ~~presiding officer->~~ from among its members.

**TO AMEND ORS 294.341, EXERPT FROM HOUSE BILL 2752:**

294.341. The governing body of each municipal corporation having a population exceeding ~~100,000->~~ ~~200,000+>~~ and which is located in a county having a tax supervising and conservation commission shall be the budget committee for such municipal corporation.

**TO AMEND ORS 294.361, EXERPT FROM HOUSE BILL 2752:**

294.361. (1) Each municipal corporation shall estimate in detail its budget resources for the ensuing year by funds and sources.

(2) Budget resources include but are not limited to: The ~~cash->~~ balance ~~of cash, cash equivalents and investments->~~ (in the case of a municipal corporation on the cash basis) or the net working capital (in the case of a municipal corporation on the accrual ~~or modified accrual->~~ basis ~~of accounting->~~) which will remain in each fund on the last day of the current year; taxes; fees; licenses;

finances; forfeited bail; interest on deposits or on securities of any kind; endowments; annuities; penalties; sales of property or other assets or products of any kind; delinquent taxes; judgments; damages; rent; premiums on sales of bonds; reimbursement for services, road or other work performed for others; transfer or reverter of unused balances of any kind; reimbursement for services provided other funds; rebates; refunds of moneys heretofore paid on any account; apportionment, grant, contribution, payment or allocation from the federal or state government or any unit of government; taxes for the ensuing year computed in accordance with ORS 294.381; interfund revenue transfers; and revenues from any and all other sources of whatsoever kind or character.

(3) Budget resources shall not include moneys accumulated under an approved employee deferred compensation plan, interest or investment returns earned on such moneys, grants, gifts, bequests or devises transferred to a municipal corporation in trust for specific uses in the year of transfer. However, such grants, gifts, bequests or devises <<-which have been partially received in a previous year or the receipt of which and the amount of which is known to take place in the ensuing year shall be included in budget resources->> <<+shall be included as budget resources if, by the time the budget committee approves the budget, the amount thereof that will be received in the ensuing year can be reasonably estimated+>>. Such grants, gifts, bequests or devises may be placed in a trust and agency fund, to then be appropriated from such fund or funds.

**TO AMEND ORS 294.371, EXERPT FROM HOUSE BILL 2752:**

294.371. A municipal corporation may include in its budget an estimate of unappropriated ending fund balance for each fund, for use in the fiscal period following that for which the budget is being prepared. The estimate authorized by this section represents cash or net working capital which will be carried over into the year following the ensuing fiscal year for which the budget is being prepared. It shall not in any way reduce the cash balance or net working capital which becomes part of the budget resources provided in ORS 294.361(1) to (3). The unappropriated ending fund balance authorized by this section shall become a budget resource at the close of the ensuing fiscal year for the succeeding year. <<+Except as provided in ORS 294.326(3) and 294.455,+>> no appropriation nor expenditure shall be made in the year for which the budget is applicable for the amount estimated pursuant to this section.

**TO AMEND ORS 294.381, EXERPT FROM SENATE BILL 1215:**

SECTION 328. ORS 294.381, as amended by section 10, chapter 308, Oregon Laws 1997 (Enrolled House Bill 2752), is amended to read:

294.381. Each municipal corporation which has the power to levy an ad valorem <<+property+>> tax shall estimate the amount <<-of ad valorem taxes to be levied for->> <<+of revenues that will be raised in+>> the ensuing year <<+through the imposition of taxes+>> upon the taxable property within the municipal corporation. The estimate shall be computed as follows:

(1) Add the estimated unappropriated ending balances referred to in ORS 294.371 to the estimate of expenditures.

(2) To the sum obtained in subsection (1) of this section add the amounts of moneys reserved pursuant to ORS 294.366 or any other law.

(3) From the sum obtained in subsection (2) of this section, subtract the estimate of budget resources excluding the amount for <<-ad valorem->> taxes to be <<-levied->> <<+certified to the assessor+>> for the ensuing year.

(4) To the remainder obtained in subsection (3) of this section, add an estimate of the discount allowed by ORS 311.505 and an allowance for <<-ad valorem->> taxes which will be <<-levied->> <<+imposed+>> but not collected in the ensuing year. For purposes of this subsection, no allowance for discounts or uncollectibility shall be made for the amounts of offset which will be received by the district in full <<+,->> <<-,->> and only the statutory discount amount allowed to the municipal corporation shall be added to the estimate provided in this subsection for any <<-ad valorem->> taxes which are paid by the federal or state government.

(5) The sum obtained in subsection (4) of this section is the <<+preliminary+>> estimate of ad valorem <<+property+>> taxes <<-to be levied for the ensuing year->>.

<<+(6) The preliminary estimate of ad valorem property taxes shall be compared to the amount of projected revenues to be raised by imposing on the assessed value the total rate of the following:+>>

<<+(a) The permanent rate limit or statutory rate limit, if applicable, determined under sections 20 to 35 of this 1997 Act, or a lesser rate of operating taxes proposed by the municipal corporation.+>>

<<+(b) The total rate of local option taxes proposed to be certified to the assessor for the ensuing tax year.+>>

<<+(c) The total rate for all taxes imposed to pay principal and interest on bonded indebtedness or imposed to meet obligations described in section 11(5), Article XI of the Oregon Constitution.+>>

<<+(7) If the estimates determined under subsections (5) and (6) of this section differ, the estimates shall be reconciled by making adjustments to any of the following:+>>

<<+(a) The estimate of expenditures used in subsection (1) of this section;+>>

<<+(b) The estimate of budget resources other than ad valorem property taxes used in subsection (3) of this section;+>>

<<+(c) The operating tax rate, to the extent the operating tax rate does not exceed the municipal corporation's permanent rate limit or statutory rate limit, if applicable; or+>>

<<+(d) The local option taxes to be certified to the assessor.+>>

<<+(8) The reconciled amount determined under subsection (7) of this section shall be the municipal corporation's estimate of ad valorem property taxes to be certified to the assessor for imposition for the ensuing year.+>>

<<+(9) For purposes of this section, if an ad valorem property tax is to be certified to the assessor as an amount, the rate of the tax shall be the amount divided by the assessed value of property that was used in making the estimate under subsection (6) of this section.+>>

**TO AMEND ORS 294.386, EXERPT FROM HOUSE BILL 2752:**

294.386. Each municipal corporation shall prepare a financial summary. The financial summary shall include:

- (1) A summary statement by funds showing the estimate of budget resources and the estimate of expenditures;
- (2) A classified statement of outstanding indebtedness, <<+but not including indebtedness that has been defeased and is no longer considered to be outstanding as provided in ORS 288.675;+>>
- (3) A classified statement of all indebtedness authorized but not incurred; and
- (4) A computation of the estimated <<+ad valorem+>> tax levy stated in dollars and cents and which may also be expressed as the estimated tax rate per thousand dollars of assessed value to produce the <<+ad valorem+>> tax levy.

**TO FURTHER AMEND ORS 294.386, EXERPT FROM SENATE BILL 1215:**

(4) A <<-computation of the estimated ad valorem tax levy->> <<+summary statement of the estimate of ad valorem property taxes,+>> stated in dollars and cents and <<-which may also be expressed as the->> <<+also stated as an+>> estimated tax rate per thousand dollars of assessed value <<-to produce the ad valorem tax levy->>.

**TO AMEND ORS 294.391, EXERPT FROM HOUSE BILL 2752:**

294.391. A budget message shall be prepared by <<+or under the direction of+>> the executive officer of the municipal corporation or, where no executive officer exists, by <<+or under the direction of+>> the <<- chairman->> <<+presiding officer+>> of the governing body. The budget message shall be delivered at <<-the->> <<+a+>> meeting of the budget committee <<-at which time the budget document is delivered to the budget committee->> as provided in ORS 294.401 <<+(1)+>>. The budget message shall:

- (1) Explain the budget document;
- (2) Contain <<-an outline->> <<+a brief description+>> of the proposed financial policies of the municipal corporation for the ensuing year;

**TO AMEND ORS 294.401, EXERPT FROM HOUSE BILL 2752:**

294.401. (1) <<-Not less than eight days and not more than 14 days prior to the meeting of the budget committee at which time the budget message and budget document are to be received,+>> <<+The budget committee shall hold one or more meetings for the following purposes:+>>

- <<+(a) Receiving the budget message and the budget document; and+>>
- <<+(b) Providing members of the public with an opportunity to ask questions about and comment upon the budget document.+>>

<<+(2) When more than one meeting of the budget committee is held under subsection (1) of this section, the first meeting shall be the meeting at which the budget message and the budget document are received by the budget committee. The budget committee may provide members of the public with an opportunity to ask questions about and comment upon the budget document at the first meeting of the budget committee. If such opportunity is not provided at the first meeting, the budget committee shall provide the public with the opportunity to ask questions and make comments upon the budget document at subsequent meetings.+>>

<<+(3)+>> The budget officer shall publish <<-in a newspaper of general circulation in the municipal corporation->> <<+prior notice of each meeting of the budget committee held for the purpose of satisfying the requirements of subsection (1) of this section. If more than one meeting of the budget committee is held under subsection (1) of this section, the budget officer may publish a single notice containing the required information for all of the meetings or a separate notice for each meeting. If the budget committee holds two or more meetings under subsection (1)(b) of this section for the purpose of taking questions and comments from the public, only notice of the first meeting need be published in accordance with the requirements of this subsection, and notice of any subsequent meeting may be given as provided in ORS 294.406(2).+>> A notice <<+meets the requirements of this subsection when it states:+>>



<<+(a)+>><<-of->> The purpose, time and place of the meeting <<+or meetings to which the notice relates+>> and the place where the budget document is available <<.->><<+;>>

<<+(b)+>> <<-The notice shall also state->> That the meeting is a public meeting where deliberations of the budget committee will take place; and

<<+(c) If the meeting described in the notice is a meeting at which the budget committee will receive questions and comments from members of the public,+>> that any person may <<-discuss proposed programs with the budget committee->> <<+ask questions about and comment on the budget document+>> at that time.

<<+(4) When notice of a meeting of the budget committee is published by publication in a newspaper, the notice satisfies the requirements of this section if the notice is published on not fewer than two occasions separated by at least seven days, with the first publication not earlier than 30 days prior to the meeting date and the final publication not later than five days prior to the meeting date. When notice of a meeting of the budget committee is published by mailing or by hand delivery, the notice satisfies the requirements of this section if the notice is placed with the United States Postal Service or hand delivered not later than 10 days prior to the meeting date.+>>

<<-(2)->><<+(5)+>> Not more than <<-seven->> <<+10+>> days prior to the meeting of the budget committee <<-for which notice is provided under subsection (1) of this section->> <<+at which the budget committee will receive the budget message and the budget document,+>> the budget officer may provide a copy of the budget document to each member of the budget committee for the information and use of the individual member.

<<-(3)->><<+(6)+>> Except when copies of the budget document were provided to the members of the budget committee under subsection <<-(2)->> <<+(5)+>> of this section, the budget officer shall submit <<+to the members of the budget committee+>> the budget document at the <<+first+>> meeting <<-as provided in->> <<+held under+>> subsection (1) of this section <<-to the budget committee->> for their use and consideration.

\* \* \*

**TO AMEND ORS 294.406. EXERPT FROM HOUSE BILL 2752:**

294.406. (1) The budget committee shall approve the budget document as submitted by the budget officer or the budget document as revised and prepared by the budget committee. <<+The budget document as approved by the budget committee shall specify the ad valorem tax levy for all funds.+>>

<<-(2) At the meeting of the budget committee as provided in ORS 294.401(1), it shall hear the budget message, receive the budget document, hear persons, and announce the time of the next meeting, if any.->>

<<-(3)->><<+(2) In addition to the meetings held under ORS 294.401(1),+>> the budget committee <<-shall->> <<+may+>> meet from time to time at its discretion. All meetings of the budget committee shall be open to the public. <<+Except for a meeting of the budget committee held under ORS 294.401(1), prior notice of each meeting of the budget committee shall be given at the same time as is required for notice of meetings of the governing body of the municipal corporation and may be given in the same manner as notice of meetings of the governing body or by any one or more of the methods described in ORS 294.311(30).+>>

\* \* \*

**TO FURTHER AMEND ORS 294.406. EXERPT FROM SENATE BILL 1215:**

SECTION 336a. ORS 294.406, as amended by section 14, chapter 308, Oregon Laws 1997 (Enrolled House Bill 2752), is amended to read:

294.406. (1) The budget committee shall approve the budget document as submitted by the budget officer or the budget document as revised and prepared by the budget committee. The budget document as approved by the budget committee shall specify the ad valorem <<-tax levy->> <<+property taxes+>> for all funds.

(2) In addition to the meetings held under ORS 294.401(1), the budget committee may meet from time to time at its discretion. All meetings of the budget committee shall be open to the public. Except for a meeting of the budget committee held under ORS 294.401(1), prior notice of each meeting of the budget committee shall be given at the same time as is required for notice of meetings of the governing body of the municipal corporation and may be given in the same manner as notice of meetings of the governing body or by any one or more of the methods described in ORS 294.311 <<-(30)->> <<+(31)+>>.

(3) The budget committee may demand and receive from any officer, employee or department of the municipal corporation any information the committee requires for the revision and preparation of the budget document. The budget committee may compel the attendance of any such officer or employee at its meetings.

**TO AMEND ORS 294.411, EXERPT FROM HOUSE BILL 2752:**

294.411. (1) Each municipal corporation having a population not exceeding <<-100,000->> <<+200,000+>>, located in a county having a tax supervising and conservation commission and not submitting its budget document to the tax supervising and conservation commission for a public hearing, pursuant to ORS 294.430(3), shall submit its budget document to the tax supervising and conservation commission in the county at least 20 days prior to the date of publication of the budget document in accordance with ORS 294.421.

**TO AMEND ORS 294.413, EXERPT FROM HOUSE BILL 2752:**

294.413. Format for publication of notices and summaries required by ORS 294.416 <<-and 294.418->> shall be prescribed by the Department of Revenue.

**TO AMEND ORS 294.416, EXERPT FROM HOUSE BILL 2752:**

294.416. Except as provided in ORS 294.418, there shall be published, as provided in ORS 294.421:

\* \* \*

(4) A <<-certification by the chairman of the governing body->> <<+statement+>> that the budget is prepared in accordance with the <<- method->> <<+basis+>> of accounting used in the preceding year unless a change in the <<-method->> <<+basis+>> of accounting is anticipated. If a change in the <<-method->> <<+basis+>> of accounting is to be made, <<-the chairman of the governing body shall explain->> <<+there shall be an explanation of+>> the change and the effects of the change <<- in place of the certification->>.

**TO AMEND ORS 294.418, EXERPT FROM HOUSE BILL 2752:**

294.418. In lieu of the publication requirements contained in ORS 294.416, a municipal corporation may elect to publish its budget as provided in this section.

(1) There shall be published, as provided in ORS 294.421, a summary of the budget as approved by the budget committee and compared with the most recent preceding year's budget summary and the current year's budget summary. <<- The budget summary shall be prepared in accordance with forms prescribed by the Department of Revenue in the manner provided in ORS 294.413.->> . . .

\* \* \*

(2) There shall be published with the summary:

(a) A notice of the time and place at which the budget document as approved by the budget committee may be discussed with the governing body.

(b) A <<-certification by the chairman of the governing body->> <<+statement+>> that the budget is prepared in accordance with the <<- methods->> <<+basis+>> of accounting used in the preceding year unless a change in the <<-method->> <<+basis+>> of accounting is anticipated; and if a change in the <<-method->> <<+basis+>> of accounting is to be made, <<-the chairman of the governing body shall explain->> <<+there shall be an explanation of+>> the change and the effects of the change.

(c) A notice of the place where the complete budget document is available for inspection by the general public during regular business hours and where copies of the complete budget document may be obtained.

**TO FURTHER AMEND ORS 294.418, EXERPT FROM SENATE BILL 1215:**

(1) There shall be published, as provided in ORS 294.421, a summary of the budget as approved by the budget committee and compared with the most recent preceding year's budget summary and the current year's budget summary. The budget summary shall be prepared in accordance with forms prescribed by the Department of Revenue in the manner provided in ORS 294.413. As a minimum requirement, there shall be listed the total requirements for personal services, materials and services, capital outlay, special payments, debt service, transfers and operating contingencies for the budget. In addition, there shall be published a brief narrative description of the major activities or major programs of the municipal corporation and the prominent changes from the current year. Information shall be furnished showing the personnel requirement changes for each major activity or major program. The narrative shall state the major resources for financing each major activity or program and the prominent changes from the current year, or shall state that each major activity or program is financed from general resources of the governmental unit. The summary for the ensuing year and for the current year shall show total budgeted requirements, total estimated resources other than ad valorem property taxes and <<-the->> estimated ad valorem property tax <<- levy->> <<+revenues,+>><<-. The estimated tax levy shall be->> stated in dollars and cents. <<+The summary shall also state the municipal corporation's operating tax rate and the amount or rate of any other ad valorem property taxes to be certified to the assessor. Tax rates shall be expressed at a+>> <<-and may also be expressed as the estimated tax->> rate per thousand dollars of assessed value <<-to produce the tax levy->>. The summary shall include an analysis of <<-the->> ad valorem <<-tax levy->> <<+property taxes+>> for the current and ensuing years <<+that are outside of the municipal corporation's permanent rate limit or statutory rate limit, if applicable,+>> showing <<-the special->> <<+local option taxes and ad valorem property taxes+>> <<-levies approved or yet to be approved by the electors, the ad valorem levies->> for meeting payments on bond, principal and interest thereon <<- and the ad valorem levies within the tax base as defined by

section 11, Article XI of the Oregon Constitution--> <<+and for meeting other obligations of the municipal corporation described under section 11(5), Article XI of the Oregon Constitution.+>>

**TO AMEND ORS 294.421, EXERPT FROM HOUSE BILL 2752:**

294.421. (1) Subject to subsections (3) to <<-(9)--> <<+(6)+>> of this section, the summary of the budget document approved by the budget committee shall be published at least once prior to the time appointed for the proposed meeting of the governing body in accordance with ORS 294.430 <<-, in one or more of the newspapers published in the municipal corporation and having general circulation in the municipal corporation, or if no newspaper is published in the municipal corporation, then in some newspaper or newspapers designated by the governing body of the municipal corporation and having general circulation in the municipal corporation. The publication shall be not less than 15 days and not more than 25 days prior to the date of the meeting--> .

(2) Subject to subsections (3) to <<-(9)--> <<+(6)+>> of this section, the notice of the time and place at which the budget document as approved by the budget committee may be discussed <<-, the date of the publication of the budget summary required by subsection (1) of this section and the name of the newspaper in which it was published--> shall be published <<+by one or more of the methods described in ORS 294.311(30)+>> not less than <<- eight--> <<+five+>> days and not more than <<-14--> <<+25+>> days prior to the date of the meeting required by ORS 294.430.

(3) Notwithstanding any other provision of law, in a county having a tax supervising and conservation commission, municipal corporations having a population not exceeding <<-250,000--> <<+200,000,+>> according to certified estimates of population <<-made by the State Board of Higher Education-->, shall publish their summary of the budget document approved by the budget committee in accordance with subsection (1) of this section.

<<-(4) Except as provided in subsection (7) of this section, if no newspaper is published in the municipal corporation, a municipal corporation may, in lieu of publication and notice prescribed in subsections (1), (2), (3) and (5) of this section, distribute the summaries and notices provided by ORS 294.416 or 294.418 by mailing copies thereof to the electors residing in the district by regular mail at least 20 days prior to the meeting provided in ORS 294.430 and by publishing the notice provided in subsection (6) of this section. A municipal corporation may mail only one copy of the summaries and notices provided by ORS 294.416 or 294.418 to any household in which there are two or more electors.-->>

<<-(5)--><<+(4)+>> If no newspaper is published in the municipal corporation, a municipal corporation whose aggregate of estimated budget expenditures for the ensuing fiscal year does not exceed \$50,000 may, in lieu of the publication and notice provided in subsections (1) to <<-(4)--> <<+(3)+>> of this section <<+and in lieu of publication by one or more of the methods described in ORS 294.311(30),+>> post the summaries and notices provided by ORS 294.416 or 294.418 in three conspicuous places in the municipal corporation for at least 20 days prior to the date of the meeting provided in ORS 294.430 and publish the notice provided by subsection <<-(6)--> <<+(5)+>> of this section.

<<-(6)--><<+(5)+>> If <<-either of the methods of giving--> notice <<+is given+>> as provided in <<-subsections (4) and (5)--> <<+subsection (4)+>> of this section <<-are used-->, the municipal corporation shall publish, <<+by one or more of the methods described in ORS 294.311(30),+>> <<-once in a newspaper or newspapers having general circulation in the municipal corporation--> a notice of the following:

- (a) The date, time and place of the meeting provided by ORS 294.430;
- (b) The place where the complete budget document is available for inspection by the general public during regular office hours;
- (c) Total budget requirements and taxes proposed to be levied;
- (d) Change in the amount of proposed tax levy and the last preceding proposed tax levy; and
- (e) The place where copies of the complete budget or parts thereof may be obtained.

<<+(6)+>> The notice provided in <<-this--> subsection <<+(5) of this section+>> shall be published not less than <<-eight--> <<+five+>> days and not more than <<-14--> <<+30+>> days prior to the date of the meeting provided in ORS 294.430.

(7) A municipal corporation having a population exceeding <<- 250,000--> <<+200,000+>> inhabitants <<-, according to certified estimates of population made by the State Board of Higher Education,--> shall, in lieu of the publication and notice prescribed in subsection (1) of this section, submit its budget document, as approved by the budget committee, to the tax supervising and conservation commission within its county, if there is such a commission, at least 20 days prior to the legal date of the public hearing before the tax supervising and conservation commission on the budget, and the budget document shall thereupon be open to inspection by any taxpayer or citizen. <<-The municipal corporation shall also publish a notice as provided in subsections (5) and (6) of this section.-->>

<<-(8) If the territory of a municipal corporation lies in two or more counties, one of which has a tax supervising and conservation commission, and if the real market value of all property subject to taxation by the municipal corporation in the county with a commission is greater than the real market value of property subject to taxation by the municipal corporation in any other county, the municipal corporation shall be subject to subsections (3) and (7) of this section. Real market value is the real market value computed according to ORS 308.207 from the assessment rolls last in the process of collection.-->>

<<-(9) Any municipal corporation subject to subsection (8) of this section, and having a population exceeding 250,000 inhabitants according to certified estimates of population made by the State Board of Higher Education, shall publish a notice as prescribed in subsection (6) of this section. In addition to this notice, each community college district subject to this subsection shall publish a notice

as prescribed in subsection (6) of this section, together with a copy of its financial summary as defined in ORS 294.386, in a newspaper or newspapers having circulation in the district and published in each county which has no tax supervising and conservation commission and contains a part of the territory of the municipal corporation.->>

**TO FURTHER AMEND ORS 294.421, EXERPT FROM SENATE BILL 1215:**

(5) If notice is given as provided in subsection (4) of this section, the municipal corporation shall publish, by one or more of the methods described in ORS 294.311 <<-(30)->> <<+(31),+>> a notice of the following:

\* \* \*

(d) <<-Change in the amount of proposed tax levy and the last preceding proposed tax levy->> <<+Changes in the amount or rate of proposed ad valorem property taxes;+>> and

\* \* \*

**TO AMEND ORS 294.425, EXERPT FROM HOUSE BILL 2752:**

294.425. <<+(1)+>> <<-The cost of publishing the notices and estimates required by ORS 294.305 to 294.565 shall be paid out of the funds of the municipal corporation kept for advertising->> <<+When a notice, budget summary or other document is required to be published under any provision of ORS 294.305 to 294.565, publication of the document shall be considered sufficient for all purposes if a good faith effort is made by the budget officer of the municipal corporation to publish by any one or more of the methods described in ORS 294.311(30), notwithstanding any defect in the publication, including but not limited to:+>>

<<+(a) Typographical or scriveners' errors in the published material;+>>

<<+(b) Failure of the published materials to be mailed or hand delivered to each street address within the jurisdictional boundaries of the municipal corporation;+>>

<<+(c) Arithmetic errors in computing numerical information, including tax levies;+>>

<<+(d) Calculations of ad valorem tax levies not made in accordance with the applicable requirements of law; or+>>

<<+(e) Failure to publish within the time periods required by law.+>>

<<+(2) At the first regularly scheduled meeting of the governing body of the municipal corporation that is held following the discovery of any publication error described in subsection (1)(a), (c) or (d) of this section, the budget officer shall advise the governing body in writing of the error and shall correct the error by testimony before the governing body at the meeting. If the error relates to the calculation of a tax levy, the budget officer shall immediately notify the county assessor of the error in writing, identifying the correct tax levy.+>>

**TO FURTHER AMEND ORS 294.425, EXERPT FROM SENATE BILL 1215:**

294.425. (1) When a notice, budget summary or other document is required to be published under any provision of ORS 294.305 to 294.565, publication of the document shall be considered sufficient for all purposes if a good faith effort is made by the budget officer of the municipal corporation to publish by any one or more of the methods described in ORS 294.311 <<-(30)->> <<+(31)+>>, notwithstanding any defect in the publication, including but not limited to:

(a) Typographical or scriveners' errors in the published material;

(b) Failure of the published materials to be mailed or hand delivered to each street address within the jurisdictional boundaries of the municipal corporation;

(c) Arithmetic errors in computing numerical information, including tax levies <<+or tax rates+>>;

(d) Calculations of ad valorem <<-tax levies->> <<+property taxes+>> not made in accordance with the applicable requirements of law; or

(e) Failure to publish within the time periods required by law.

(2) At the first regularly scheduled meeting of the governing body of the municipal corporation that is held following the discovery of any publication error described in subsection (1)(a), (c) or (d) of this section, the budget officer shall advise the governing body in writing of the error and shall correct the error by testimony before the governing body at the meeting. If the error relates to the calculation of <<-a tax levy->> <<+ad valorem property taxes+>>, the budget officer shall immediately notify the county assessor of the error in writing, identifying the correct <<-tax levy->> <<+ad valorem property tax.+>>

**TO AMEND ORS 294.430, EXERPT FROM HOUSE BILL 2752:**

(2) Each municipal corporation having a population exceeding <<- 100,000->> <<+200,000+>> and located in a county having a tax supervising and conservation commission, shall, in lieu of the meeting provided for in subsection (1) of this section, submit its budget document to the tax supervising and conservation commission of the county. The governing body of such municipal corporation or its

representatives shall meet with the taxpayers thereof at a public hearing to be called and conducted by the tax supervising and conservation commission.

(3) Any municipal corporation having a population not exceeding ~~100,000~~ **<<+200,000+>>** and located in a county having a tax supervising and conservation commission, may, in lieu of the meeting provided for in subsection (1) of this section, submit its budget document to the tax supervising and conservation commission of the county for a public hearing. The governing body of such municipal corporation or its representatives shall meet with the taxpayers thereof at a public hearing to be called and conducted by the tax supervising and conservation commission.

**TO AMEND ORS 294.435, EXERPT FROM HOUSE BILL 2752:**

294.435. (1) After the public hearing provided for in ORS 294.430(1) has been held, the governing body shall enact the proper ordinances or resolutions to adopt the budget; to make the appropriations; to determine, make and declare the ad valorem tax levy for each fund; and to categorize the levy as provided in ORS 310.060(2). Consideration shall be given to matters discussed at the public hearing. The budget estimates and proposed tax levy of any fund as shown in the budget document may be amended prior to adoption ~~<<and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates.>>~~ **<<and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates.>>** However, the amount of estimated expenditures for each fund shall not be increased by more than ~~<<+\$5,000 or>>~~ **<<+\$5,000 or>>** 10 percent ~~<< thereof>>~~ **<<of the estimated expenditures, whichever is greater,>>** and the amount of the total ad valorem taxes to be certified by the municipal corporation for levy for all funds shall not exceed the amount ~~<<shown in the budget document as published in accordance with ORS 294.421, prior to the budget meeting>>~~ **<<approved by the budget committee,>>** unless the amended budget document is republished as provided by ORS 294.416 or 294.418 and 294.421 for the original budget and another public hearing is held as provided by ORS 294.430(1).

(2) After the public hearing provided for in ORS 294.430(2) or (3) has been held and the certification of the tax supervising and conservation commission received, ~~<<if such certification is required,>>~~ **<<if such certification is required,>>** the governing body shall enact the proper ordinances or resolutions to adopt the budget; to make the appropriations; to determine, make and declare the ad valorem tax levy for each fund; and to categorize the levy as provided in ORS 310.060(2). Consideration shall be given any orders, recommendations or objections made by the tax supervising and conservation commission in accordance with law. The action taken on each order, recommendation or objection after such consideration by the governing body, with the reasons for such action, shall be included in the ordinance or resolution adopting the budget. A certified copy of the ordinance or resolution shall be sent to the commission within 15 days after the date the ordinance or resolution is adopted. The budget estimates, appropriations and ~~<<ad valorem>>~~ **<<ad valorem>>** tax levy of any fund as shown in the budget document may be amended prior to adoption ~~<<and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates.>>~~ **<<and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates.>>** However, the amount of estimated expenditures for each fund shall not be increased by more than ~~<<+\$5,000 or>>~~ **<<+\$5,000 or>>** 10 percent ~~<<thereof>>~~ **<<of the estimated expenditures, whichever is greater,>>** and the amount of the total ad valorem taxes to be certified by the municipal corporation for levy for all funds shall not exceed the amount shown in the budget document at the time of the budget hearing, unless the amended budget document is resubmitted to the tax supervising and conservation commission for another public hearing, and for recommendations or objections of that body.

\* \* \*

(4) Thereafter no greater expenditure, or encumbrance if ~~<<the>>~~ **<<the>>** encumbrance ~~<<method of>>~~ **<<method of>>** accounting is used, of public money shall be made for any specific purpose ~~<<other>>~~ **<<other>>** than the amount appropriated therefor except as provided in ORS 294.326, 294.440, 294.450 and 294.480.

\* \* \*

**TO FURTHER AMEND ORS 294.435, EXERPT FROM SENATE BILL 1215:**

294.435. (1) After the public hearing provided for in ORS 294.430(1) has been held, the governing body shall enact the proper ordinances or resolutions to adopt the budget; to make the appropriations; to determine, make and declare the ad valorem ~~<<tax levy for each fund>>~~ **<<property taxes to be certified to the assessor for the ensuing year;>>** and to ~~<<itemize and>>~~ **<<itemize and>>** categorize the ~~<<levy>>~~ **<<ad valorem property taxes>>** as provided in ORS 310.060 ~~<<(2)>>~~. Consideration shall be given to matters discussed at the public hearing. The budget estimates and proposed ~~<<tax levy>>~~ **<<ad valorem property taxes>>** ~~<<of any fund>>~~ as shown in the budget document may be amended prior to adoption and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates. However, the amount of estimated expenditures for each fund shall not be increased by more than \$5,000 or 10 percent of the estimated expenditures, whichever is greater, and the amount ~~<<or rate>>~~ **<<or rate>>** of the total ad valorem ~~<<property>>~~ **<<property>>** taxes to be certified by the municipal corporation ~~<<for levy for all funds>>~~ **<<to the assessor>>** shall not exceed the amount approved by the budget committee, unless the amended budget document is republished as provided by ORS 294.416 or 294.418 and 294.421 for the original budget and another public hearing is held as provided by ORS 294.430(1).

(2) After the public hearing provided for in ORS 294.430(2) or (3) has been held and the certification of the tax supervising and conservation commission received, if such certification is required, the governing body shall enact the proper ordinances or resolutions to adopt the budget; to make the appropriations; to determine, make and declare the ad valorem ~~<<property taxes>>~~ **<<property taxes>>** ~~<<tax levy for each fund>>~~; and to ~~<<itemize and>>~~ **<<itemize and>>** categorize the ~~<<levy>>~~ **<<ad valorem property taxes>>** as provided in ORS 310.060~~<<(2)>>~~. Consideration shall be given any orders, recommendations or objections made by the tax supervising and conservation commission in accordance with law. The action taken on each order, recommendation or objection after such consideration by the governing body, with the reasons for such action, shall be included in the ordinance or resolution adopting the budget. A certified copy of the ordinance or resolution

shall be sent to the commission within 15 days after the date the ordinance or resolution is adopted. The budget estimates, appropriations and ad valorem ~~tax levy of any fund~~ ~~property taxes~~ as shown in the budget document may be amended prior to adoption and may also be amended by the governing body following adoption if such amendments are adopted prior to the commencement of the fiscal year to which the budget relates. However, the amount of estimated expenditures for each fund shall not be increased by more than \$5,000 or 10 percent of the estimated expenditures, whichever is greater, and the amount ~~or rate~~ of the total ad valorem ~~property~~ taxes to be certified by the municipal corporation ~~for levy for all funds~~ ~~to the assessor~~ shall not exceed the amount shown in the budget document at the time of the budget hearing, unless the amended budget document is resubmitted to the tax supervising and conservation commission for another public hearing, and for recommendations or objections of that body.

\* \* \*

(5) The determination of the amount ~~or rate~~ of ad valorem ~~tax to be levied~~ ~~property taxes to be certified~~ shall be entered in the proper records of the governing body. No greater tax than that so entered upon the record shall be ~~levied~~ ~~certified~~ by the municipal corporation proposing the tax for the purpose or purposes indicated.

\* \* \*

~~(7)(a) The governing body shall determine, make and declare ad valorem property taxes under subsections (1) and (2) of this section as a rate per \$1,000 of assessed value if the taxes are operating taxes or rate-based local option taxes as a rate per \$1,000 of assessed value.~~

~~(b) The governing body shall determine, make and declare ad valorem property taxes under subsections (1) and (2) of this section as an amount if the taxes are being certified as amount-based local option taxes, to pay principal and interest on exempt bonded indebtedness or to pay other government obligations described in section 11(5), Article XI of the Oregon Constitution.~~

**TO AMEND ORS 294.445, EXERPT FROM HOUSE BILL 2752:**

294.445. (1) A municipal corporation shall record its revenues and expenditures, ~~on a fund by fund basis, using~~ ~~according to~~ either the cash basis ~~of accounting~~, ~~the modified accrual basis~~ or the accrual basis of accounting. ~~If the accrual basis of accounting is used, it may be modified in accordance with generally accepted accounting principles.~~

(2) The selection of the ~~method~~ ~~basis~~ of accounting is left to the discretion of each municipal corporation ~~in the first year following September 2, 1963~~. Any change in the ~~method~~ ~~basis~~ of accounting ~~thereafter~~ shall be clearly set forth in the budget message for the year in which the change is contemplated and the reasons for the change and its effect on the operations of the municipal corporation shall be explained. Once a new ~~method~~ ~~basis~~ of accounting is adopted, it shall be followed in the year for which the budget was prepared and each succeeding year thereafter until changed in a subsequent budget. Such change must be published as provided in ORS 294.416(3).

**TO AMEND ORS 294.450, EXERPT FROM HOUSE BILL 2752:**

294.450. Subject to the provisions contained in the charter of any city or county or in any law relating to municipal corporations:

(2) Transfers of general operating contingency appropriations which in aggregate during a fiscal year exceed 15 percent of the total appropriations of the fund may be made only after adoption of a supplemental budget prepared for that purpose. All other transfers of general operating contingencies are subject to ~~the provisions of~~ subsection (1) of this section.

**TO AMEND ORS 294.455, EXERPT FROM HOUSE BILL 2752:**

294.455. If property has been involuntarily converted or destroyed ~~and is to be repaired or replaced with payments received (from insurance or otherwise) for the conversion or destruction~~, ~~during the current fiscal year or if, as a result of civil disturbance, fire, flood, earthquake or other calamity or natural disaster, it is necessary for a municipal corporation to expend funds, receive grants or borrow moneys that were not included in the budget for the current fiscal year, authorization of all matters necessary in order for the municipal corporation to receive those grants or borrow those moneys may be made by ordinance or resolution of the governing body, and~~ appropriations for the estimated ~~expenditure of such money~~ ~~expenditures out of any source of available funds, including but not limited to unappropriated fund balances~~, shall be made by resolution ~~and~~ ~~or~~ ordinance in the same manner as provided in ORS 294.450(1), or by supplemental budget as provided by ORS 294.480(3) and (4). ~~When prompt action is necessary to protect the public health or safety following the involuntary conversion or destruction of property or the occurrence of a calamity or natural disaster and if it is not practical to convene a meeting of the governing body of the municipal corporation, the chief executive officer of the municipal corporation may, by written order, authorize the immediate expenditure of funds from any available source to redress the situation that threatens the public health or safety.~~

**TO AMEND ORS 294.470, EXERPT FROM HOUSE BILL 2752:**

294.470. (1) A municipal corporation may establish by ordinance or resolution one or more ~~working capital funds or intragovernmental service~~ ~~internal service~~ funds . . .

\* \* \*

(3) The anticipated expenditure for the ensuing year from <<-a working capital fund or intragovernmental service->> <<+an internal service+>> fund created in accordance with subsection (1) of this section shall be budgeted as any other fund in accordance with ORS 294.305 to 294.565, appropriations shall be made for each <<-working capital fund or intragovernmental service->> <<+internal service+>> fund in accordance with ORS 294.435 and expenditures from the <<-working capital fund or intragovernmental service->> <<+internal service+>> fund shall be regulated thereby.

(4) Notwithstanding the limitations in ORS 294.305 to 294.565 applicable to increasing the appropriations of funds during the current fiscal year, the governing body may increase appropriations of <<-working capital funds or intragovernmental service->> <<+the internal service+>> funds by ordinance or resolution.

**TO AMEND ORS 294.480, EXERPT FROM HOUSE BILL 2752:**

294.470. (1) A municipal corporation may establish by ordinance or resolution one or more <<-working capital funds or intragovernmental service->> <<+internal service+>> funds . . .

\* \* \*

(3) The anticipated expenditure for the ensuing year from <<-a working capital fund or intragovernmental service->> <<+an internal service+>> fund created in accordance with subsection (1) of this section shall be budgeted as any other fund in accordance with ORS 294.305 to 294.565, appropriations shall be made for each <<-working capital fund or intragovernmental service->> <<+internal service+>> fund in accordance with ORS 294.435 and expenditures from the <<-working capital fund or intragovernmental service->> <<+internal service+>> fund shall be regulated thereby.

(4) Notwithstanding the limitations in ORS 294.305 to 294.565 applicable to increasing the appropriations of funds during the current fiscal year, the governing body may increase appropriations of <<-working capital funds or intragovernmental service->> <<+the internal service+>> funds by ordinance or resolution.

**TO FURTHER AMEND ORS 294.480, EXERPT FROM SENATE BILL 1215:**

294.480. (1) Notwithstanding requirements as to estimates of and limitation on expenditures, the governing body of any municipal corporation may make a supplemental budget for the fiscal year for which the regular budget has been prepared under one or more of the following circumstances:

\* \* \*

(f) Ad valorem <<+property+>> taxes are received during the fiscal year in an amount sufficiently greater than the amount estimated to be collected that the difference will significantly affect the level of government operations to be funded by those taxes as provided in the budget for the current year.

\* \* \*

(5) The making of a supplemental budget shall not authorize the governing body to increase the municipal corporation's <<+total+>> ad valorem <<-tax levy->> <<+property taxes+>> above the amount published with the annual budget and certified to the assessor under ORS 310.060 for the fiscal year to which the supplemental budget applies.

**TO AMEND ORS 294.483, EXERPT FROM HOUSE BILL 2752:**

(2) A municipal corporation shall not be required to adopt a supplemental budget to <<+:+>>

<<+(a) Expend during the current year proceeds of the sale of the following bonds or other obligations:+>>

<<+(A) Bonds that are issued under the Uniform Revenue Bond Act, ORS 288.805 to 288.945, for which the 60-day period described in ORS 288.815(2) ended after the preparation of the budget for the current year.+>>

<<+(B) Bonds or other obligations that were approved by the electors during the current year.+>>

<<+(C) Bonds or other obligations issued during the current year to refund previously issued bonds or obligations.+>>

<<+(b) Expend during the current year other funds to+>> pay the principal and interest coming due <<-, in the fiscal year in which such bonds are authorized and issued, on any bonds that:->> <<+on bonds or other obligations listed in paragraph (a) of this subsection.+>>

<<+(c) Expend assessments or other revenues to redeem bonds or other obligations that are payable from such assessments or other revenues, when such assessments or other revenues are received as a result of prepayments or other unforeseen circumstances.+>>

<<-(a) Have been issued under the Uniform Revenue Bond Act, ORS 288.805 to 288.945;->>

<<-(b) Have been approved by the voters in the same fiscal year in which the bonds are issued; or->>

<<-(c) Are refunding bonds.->>

<<-(3) A municipal corporation meeting the requirements of this section may pay principal and interest on such bonds from any lawfully available source of funds without adopting a supplemental budget therefor.->>

**TO AMEND ORS 294.485, EXERPT FROM SENATE BILL 1215:**

294.485. (1) Any <<+ad valorem property+>> tax <<-levy->> made contrary to the provisions of ORS 294.305 to 294.565 or any other law relating to the making of tax levies shall be voidable as provided in subsection (2) of this section and ORS 310.070.

(2) The county assessor, county court, board of county commissioners, the Department of Revenue, Tax Supervising and Conservation Commission or <<-10 or more interested taxpayers->> <<+an interested taxpayer+>> may appeal to the Oregon Tax Court and such appeal shall be perfected in the following manner only:

(a) Within 30 days after the <<-notice of tax levy->> <<+certification of ad valorem property taxes+>> is filed with the county assessor <<+under ORS 310.060+>>, the appealing party shall file an original and two certified copies of a complaint with the clerk of the Oregon Tax Court at its principal office in Salem, Oregon. Such filing in the Oregon Tax Court shall constitute the perfection of the appeal. Service upon the Department of Revenue shall be accomplished by the clerk of the tax court filing a certified copy of the complaint with the Director of the Department of Revenue and with the secretary or clerk of the municipal corporation. <<-In the case of a petition filed by 10 or more interested taxpayers, if after withdrawal of any petitioner five or more petitioners remain, withdrawal of the petitioner after perfection of the petition shall not affect the court's jurisdiction to hear the case.->>

(b) The complaint shall state the facts and the grounds upon which the plaintiff contends the tax <<-levy->> should be voided or modified. The case shall proceed thereafter in the manner provided in ORS 305.405 to 305.494.

(3) If the court finds that the budget and the tax <<-levy->> <<+certification+>> in question were not prepared and made in substantial compliance with ORS 294.305 to 294.565 and any other applicable law relating to the making of <<-tax levies->> <<+ad valorem property taxes,+>> it shall declare void or modify any such tax <<-levy->> and shall direct that such action be taken, all as in the circumstances it shall deem appropriate.

**TO AMEND ORS 294.555, EXERPT FROM SENATE BILL 1215:**

294.555. (1) On or before July 15 of each year, or upon such other date as the Department of Revenue shall designate, each civil subdivision in the state <<-which->> <<+that+>> does not levy an ad valorem <<+property+>> tax and <<-which->> <<+that+>> is subject to the Local Budget Law shall file with the Department of Revenue a copy of the resolution adopting the budget and of the resolution making appropriations.

(2) Each municipal corporation subject to the Local Budget Law <<-which levies->> <<+that certifies+>> an ad valorem <<+property+>> tax shall file with the county assessor as provided in ORS 310.060 the following:

(a) Two copies each of the notice <<-of levy->> <<+required to be filed under ORS 310.060+>> and the categorization certification.

(b) Two copies of a statement confirming the <<-tax levy->> <<+ad valorem property taxes+>> approved by the budget committee.

(c) Two copies each of the following ordinances or resolutions: to adopt the budget; to make the appropriations; to <<+itemize and+>> categorize the taxes; and to <<-levy->> <<+certify+>> the taxes.

(3) As soon as received, the county assessor shall forward one copy of each of the documents listed in subsection (2) of this section to the Department of Revenue.

(4) Each civil subdivision and municipal corporation that is subject to the Local Budget Law shall retain a true copy of its budget until the end of the fiscal year that is two years following the end of the fiscal year for which the budget was prepared. During this period, the civil subdivision or municipal corporation shall send a copy of the budget to the county assessor, Department of Revenue or the Division of Audits if requested to do so by one of those entities.

**TO AMEND ORS 100.005, EXERPT FROM SENATE BILL 1037:**

(5) "Building" means a multiple-unit building or single-unit buildings, or any combination thereof, comprising a part of the property. <<+"Building" also includes a floating structure described in ORS 100.020(3)(b)(D).+>>



**TO AMEND ORS 100.020, EXERPT FROM SENATE BILL 1037:**

(3) No property may be submitted to the condominium form of ownership under ORS 100.005 to 100.625 unless:

- (a) Each unit has legal access to a public street or highway <<or, if the unit has such access only by virtue of common ownership with other units, the declaration executed under ORS 100.110 prohibits conveyance of the unit unless after conveyance the unit will continue to have legal access to a public street or highway+>>; and
- (b) Each unit consists of:

- (A) A building or part of a building;
- (B) A space used for the temporary parking or storage of automobiles, boats, campers or other recreational vehicles or equipment when such space is auxiliary to a condominium in which the remaining units are within or part of a building; <<-or->>
- <<- (C) A space used for the moorage of a boat or floating home.->>
- <<+ (C) A space for the moorage of a watercraft, floating home or other structure; or+>>
- <<+ (D) A floating structure, including a structure formerly used as a ship or other vessel that:+>>
  - <<+(i) Is permanently moored to structures in a river, lake or other waterway pursuant to a long-term lease with a remaining term at the time the declaration and plat are recorded of not less than 15 years;+>>
  - <<+(ii) Contains two or more residential units with a combined floor space of not less than 2,000 square feet; and+>>
  - <<+(iii) Has upland common elements owned in fee or by leasehold having a remaining term of not less than the remaining term of the leasehold on the submerged or submersible land. The units in a condominium described in this subparagraph shall be considered real property for purposes of the Oregon Condominium Act.+>>

(4) Except as otherwise provided in subsection (5) of this section, ORS 100.015 and 100.635 to 100.910 apply to condominiums having units to be used for residential purposes which are not offered for sale as a security pursuant to ORS 59.005 to 59.451, 59.660 to 59.830, 59.991 and 59.995.

(5) <<-ORS 100.720, 100.725, 100.730, 100.740, 100.745 and 100.785 do not apply to the sale of condominium units to be used for nonresidential purposes->> <<+ORS 100.650, 100.660, 100.670, 100.675, 100.750, 100.770, 100.775, 100.780, 100.900, 100.905 and 100.990 apply to the sale of condominium units to be used for nonresidential purposes.+>>

<<+(6) The units in a condominium described in subsection (3)(b)(C) and (D) of this section shall be considered real property for purposes of this chapter.+>>

**TO AMEND ORS 100.105, EXERPT FROM SENATE BILL 1037:**

100.105. (1) A declaration shall contain:

- (a) A description of the <<-land->> <<+property+>> then being submitted to unit ownership, whether leased or in fee simple.

\* \* \*

(f) <<-A description of the limited common elements, if any, stating to which units their use is reserved and the allocation of use of any limited common element appertaining to more than one unit.->> <<+The designation of any limited common elements including:+>>

- <<+ (A) A general statement of the nature of the limited common element;+>>
- <<+ (B) The method of designation that, for any limited common element not contiguous to a unit, shall be a method different from the method used for unit designation;+>>
- <<- (C) A statement of the unit to which the use of each limited common element is reserved, provided the statement is not a reference to an assignment of use specified on the plat; and+>>
- <<+ (D) The allocation of use of any limited common element appertaining to more than one unit.+>>

(l) A statement as to whether or not the association pursuant to ORS 100.405(5) has authority to grant leases, easements, rights of way, licenses and other similar interests affecting the general <<+and limited+>> common elements of the condominium and consent to vacation of roadways within and adjacent to the condominium.

<<+(m) If the condominium contains a floating structure described in ORS 100.020(3), a statement regarding the authority of the board of directors of the association, subject to ORS 100.410, to temporarily relocate the floating structure without a majority vote of affected unit owners.+>>

**TO AMEND ORS 100.110, EXERPT FROM SENATE BILL 1037:**

100.110. (1) Before a declaration, supplemental declaration or an amendment thereto may be recorded, it must be approved as provided in this section by the county assessor and the commissioner. Before a declaration or supplemental declaration may be recorded, it must be approved by the tax collector of the county in which the property is located. No declaration or amendment thereto shall be approved unless the requirements of subsections (2) to ~~to (5)~~ ~~of this section are met.~~ ~~Approval shall be evidenced by execution of the declaration or amendment or by a written approval attached thereto.~~

\* \* \*

(4) ~~Subject to subsection (5) of this section,~~ the commissioner shall approve the declaration or amendment thereto if:

- (a) The declaration or the amendment thereto complies with the requirements of ORS 100.105 and 100.135;
- (b) The bylaws adopted under ORS 100.410 comply with the requirements of ORS 100.410 and 100.415; and
- (c) The plat and floor plans comply with the requirements of ORS 100.115.

~~(5) Approval by the commissioner shall not be required for an amendment to a declaration transferring the right of use of a limited common element pursuant to ORS 100.515(5).~~

~~(5)~~~~(6)~~ Before the commissioner approves the declaration or amendment thereto under this section ~~,~~ ~~:~~

~~(a)~~ The declarant shall pay to the commissioner a fee determined by the commissioner under ORS 100.670~~;~~ and~~:~~

~~(b)~~ For an amendment, the Condominium Information Report and the Annual Report described in ORS 100.260 shall be designated current by the Real Estate Agency as provided in ORS 100.255 and the fee required under ORS 100.670 shall be paid.

~~(7)~~ If the declaration or amendment thereto approved by the commissioner under subsection (4) of this section is not recorded in accordance with ORS 100.115 within two years from the date of approval by the commissioner, the approval shall automatically expire and the declaration or amendment thereto must be resubmitted for approval in accordance with this section. The commissioner's approval shall set forth the date on which the approval will expire.

**TO AMEND ORS 100.115, EXERPT FROM SENATE BILL 1037:**

(2) A plat of the land described in the declaration, complying with ORS 92.050, 92.060(1) and (2), 92.080 and 92.120, shall be recorded simultaneously with the declaration. Upon request, the person offering the plat for recording shall also file an exact copy, certified by the surveyor who made the plat to be an exact copy of the plat, with the county assessor and the county surveyor. The exact copy shall be made in permanent black india type ink or silver halide permanent photocopy upon a suitable drafting material having the characteristics of strength, stability and transparency required by the county surveyor. The plat shall:

~~(a)~~ Show the location of all buildings, public roads and other permanent structural improvements;

~~(b)~~ Show the location and dimensions of the vertical and horizontal boundaries of each unit in a building including the unit designation and the common elements to which each unit has access. The vertical boundaries shall be referenced to a known bench mark elevation or other reference point as approved by the city or county surveyor;

~~(a)~~ Show the location of:

~~(A)~~ All buildings, public roads and other permanent structural improvements. The location shall be referenced to a point on the boundary of the property; and

~~(B)~~ For a condominium containing units described in ORS 100.020(3)(b)(C) or (D), the moorage space or floating structure. The location shall be referenced to a point on the boundary of the upland property regardless of a change in the location resulting from a fluctuation in the water level or flow.

~~(b)~~ Show the designation, location and dimensions of each unit including:

~~(A)~~ For units in a building described in ORS 100.020(3)(b)(A), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

~~(B)~~ For a space described in ORS 100.020(3)(b)(B), the horizontal boundaries of each unit and the common elements to which each unit has access. If the space is located within a structure, the vertical boundaries also shall be shown and referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

~~(C)~~ For a moorage space described in ORS 100.020(3)(b)(C), the horizontal boundaries of each unit and the common elements to which each unit has access; and

<<+(D) For a floating structure described in ORS 100.020(3)(b)(D), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to an assumed elevation of an identified point on the floating structure even though the assumed elevation may change with the fluctuation of the water level where the floating structure is moored.+>>

(c) <<+Identify and+>> show, to the extent feasible, the location and dimensions of all limited common elements described in the declaration. <<+The plat shall not include any statement indicating to which unit the use of any limited common element is reserved.+>> <<-;->>

\* \* \*

(i) If the condominium is a flexible condominium, also:

(A) Show the location and dimensions of all variable property described in the declaration and label all such property as "VARIABLE PROPERTY." If there is more than one parcel, label each parcel with letters or numbers different from those designating any unit, building or other parcel of variable property.

(B) <<+If any of the variable property is nonwithdrawable, also+>> show the location and dimensions of all nonwithdrawable variable property and label all such property as "NONWITHDRAWABLE PROPERTY." If there is more than one parcel, label each parcel with letters or numbers different from those designating any unit, building, parcel or variable property or other parcel of "nonwithdrawable variable property."

(3) The supplemental plat required under ORS 100.150(1) shall be recorded simultaneously with the supplemental declaration. Upon request, the person offering the supplemental plat for recording shall also file an exact copy, certified by the surveyor who made the plat to be an exact copy of the plat, with the county assessor and the county surveyor. The exact copy shall be made in <<-permanent->> <<+archival quality+>> black <<-india type->> ink or silver halide permanent photocopy upon a suitable drafting material having the characteristics of strength, stability and transparency required by the county surveyor . . .

(4) Before a plat or <<-an amendment to the->> <<+a supplemental+>> plat may be recorded, it must be approved by the city or county surveyor as provided in ORS 92.100. Before approving the plat as required by this section, the city or county surveyor shall check the <<-boundary->> <<+boundaries+>> of the plat <<+and units+>> and shall take such measurements and make such computations as are necessary to determine that the <<-boundary->> <<+plat+>> complies with this section. For performing that service, the city surveyor or county surveyor shall collect from the person offering the plat for approval a fee of \$150 plus \$25 per building. The governing body of a city or county may establish a higher fee by resolution or order.

(5)(a) Whenever variable property is reclassified or withdrawn as provided in ORS 100.155(1) or (2) or property is removed as provided in ORS 100.600(2), the county surveyor shall, upon all previously recorded plats relating to the variable property or property being removed and upon any copy thereof certified by the county clerk, trace, shade or make other appropriate marks or notations <<-with permanent->> <<+, including the date and the surveyor's name or initials, with archival quality black+>> ink in such manner as to denote the reclassification, withdrawal or removal . . .

<<+(6) In addition to the provisions of subsection (7) of this section, a plat, including any floor plans that are a part of the plat, may be amended as provided in this subsection.+>>

<<+(a)(A) Except as otherwise provided in ORS 100.600, a change to the boundary of the property, a unit or a limited common element or a change to the configuration of other information required to be graphically depicted on the plat shall be made by a plat entitled "Plat Amendment" that shall reference in the title of the amendment the recording information of the original plat and any previous plat amendments.+>>

<<+(B) The plat amendment shall comply with ORS 92.050, 92.060(1), (2) and (4), 92.080 and 92.120 and shall include:+>>

<<+ (i) A graphic depiction of the change.+>>

<<+ (ii) For a change to the boundary of the property, a surveyor's certificate, complying with ORS 92.070.+>>

<<+ (iii) For a change to a boundary of a unit or a limited common element or a change to other information required to be graphically depicted, the statement of a registered architect, registered professional land surveyor or registered professional engineer described in subsection (2)(d) of this section.+>>

<<+(iv) A declaration by the chairperson and secretary on behalf of the association of unit owners that the plat is being amended pursuant to this subsection. Such declaration shall be executed and acknowledged in the manner provided for acknowledgement of deeds.+>>

<<+ (C) The plat amendment shall be accompanied by an amendment to the declaration authorizing such plat amendment. The declaration amendment shall be executed, approved and recorded in accordance with ORS 100.110 and 100.135.+>>

<<+ (D) Before a plat amendment may be recorded, it must be approved by the city or county surveyor as provided in ORS 92.100. The surveyor shall approve the plat amendment if it complies with the requirements of this subsection.+>>

<<+ (E) Upon request, the person offering the plat amendment for recording shall also file an exact copy, certified by the surveyor who made the plat to be an exact copy of the plat amendment, with the county assessor and the county surveyor. The copy

shall be in archival quality black ink or silver halide permanent photocopy upon suitable drafting material having the strength, stability and transparency required by the county surveyor.+>>

<<+(b)(A) A change to a restriction or other information not required to be graphically depicted on the plat may be made by amendment of the declaration without a plat amendment described in paragraph (a) of this subsection. An amendment under this paragraph shall include:+>>

<<+ (i) A reference to recording index numbers and date of recording of the declaration, plat and any applicable supplemental declarations, amendments, supplemental plats or plat amendments.+>>

<<+ (ii) A description of the change to the plat.+>>

<<+ (iii) A statement that the amendment was approved in accordance with the declaration and ORS 110.135.+>>

<<+ (B) The amendment shall be executed, approved and recorded in accordance with ORS 100.110 and 100.135.+>>

<<+ (C) Before the amendment may be recorded, it must be approved by the city or county surveyor as provided in ORS 92.100. The surveyor shall approve the amendment if it complies with this subsection. Such approval shall be evidenced by execution of the amendment or by written approval attached thereto.+>>

<<+(c)(A) Floor plans of a condominium for which a plat was not required at the time of creation may be amended by an amendment to the declaration. An amendment under this paragraph shall include:+>>

<<+ (i) A reference to recording index numbers and date of recording of the declaration and any applicable supplemental declarations or amendments.+>>

<<+ (ii) A description of the change to the floor plans.+>>

<<+ (iii) A graphic depiction of any change to the boundaries of a unit or common element and a statement by a registered architect, registered professional land surveyor or registered professional engineer certifying that such graphic depiction fully and accurately depicts the boundaries of the unit or common element as it currently exists.+>>

<<+ (B) The amendment shall be approved and recorded in accordance with ORS 100.110 and 100.135 except that any change to the floor plans need only comply with the requirements of the unit ownership laws in effect at the time the floor plans were initially recorded.+>>

<<+(d) After recording of any declaration amendment or plat amendment pursuant to this subsection, the county surveyor shall, upon all previously recorded plats relating to the condominium and any copies filed under ORS 92.120(3), make such appropriate marks or notations, including the date and the surveyor's name or initials, with archival quality black ink in such manner as to denote the changes. The recording index numbers and date of recording of the declaration amendment and any plat amendment shall also be referenced on each plat. For performing the services described in this subsection, the county surveyor shall collect from the person offering the plat amendment or declaration amendment for approval a fee established by the county governing body.+>>

<<-(6) Except as otherwise provided in subsection (7) of this section, before an amendment to an existing plat or floor plans may be recorded, it must be approved by the county assessor and must be accompanied by an amendment to the declaration authorizing the amendment to the plat or floor plans. If the amendment changes the exterior boundary of the property, the city or county surveyor must approve the amendment before it may be recorded. The amendment to the declaration shall also be approved and be recorded in accordance with ORS 100.135. The county assessor shall approve an amendment to floor plans recorded before October 15, 1983, if the amendment complies with the requirements of this section relating to floor plans in effect at the time the floor plans were initially recorded. The county assessor and, if required by this section, the city or county surveyor shall approve an amendment to a plat if the amendment complies with this section.-->>

TO AMEND ORS 100.135, EXERPT FROM SENATE BILL 1037:

100.135. (1) Except as otherwise provided in ORS 100.005 to 100.625, an amendment of the declaration shall not be effective unless:

(a) Such amendment is approved <<-by 75 percent of the unit owners, or, if the declaration requires a greater percentage, then by that percentage of unit owners required by the declaration-->> <<+by the unit owners as provided in this section and the commissioner and county assessor according to ORS 100.110+>>; and

(b) A copy of the declaration as amended or the amendment thereto, certified by the chairperson and secretary of the association of unit owners as being adopted in accordance with the declaration and the provisions of this section <<+and acknowledged in the manner provided for acknowledgment of deeds,+>> is recorded. <<-Before any amended declaration or amendment to a declaration may be recorded, it must be approved by the commissioner. The commissioner shall approve the amendment if the requirements of ORS 100.105 and 100.110 and this section have been satisfied and if the Condominium Information Report and the Annual Report described in ORS 100.250 are designated current as provided in ORS 100.255. The filing shall be accompanied by the fee required in ORS 100.670.-->>

<<+(2) Except as otherwise provided in ORS 100.105 or this section, the declaration may be amended only with the approval of at least 75 percent of the unit owners, or such greater percentage as may be required by the declaration.+>>

<<+(3) Unless the declaration requires a greater percentage:+>>

<<+(a) The declaration and plat may be amended to change a general common element to a limited common element or change the boundary of a limited common element with the approval of at least 75 percent of the unit owners and approval of the owners of all units to which the limited common element appertains.+>>

<<+(b) The declaration may be amended to change a limited common element, or portion thereof, to a general common element with the approval of the owners of all units to which the limited common element appertains and the board of directors.+>>

<<+(4)(a) Except as otherwise provided in ORS 100.120, 100.130, 100.515, 100.600, 100.605 and 100.625 and paragraph (b) of this subsection or other provisions of the Oregon Condominium Act, an amendment that changes the boundary of the property or a unit shall be approved by all unit owners. Such amendment shall constitute a conveyance and shall include words of conveyance. In addition to the certification required under subsection (1)(b) of this section, an amendment to the boundary of a unit shall also be executed by the owners of all affected units.+>>

<<+(b) An amendment that adds property owned by the association to the condominium as a common element shall constitute a conveyance and shall:+>>

<<+(A) Be approved by at least 75 percent of the unit owners;+>>

<<+(B) Contain words of conveyance;+>>

<<+(C) Be executed by the chairperson and secretary of the association on behalf of the unit owners and be certified in accordance with subsection (1)(b) of this section; and+>>

<<+(D) Be accompanied by a plat amendment in accordance with ORS 100.115.+>>

<<+(c) Nothing in paragraph (b) of this subsection is intended to require property acquired or held by the association pursuant to ORS 100.405(4)(h) to be added to the condominium.+>>

<<(2)->><<+(5)+>> Except as otherwise provided in ORS 100.005 to 100.625, no amendment may change the allocation of undivided interest in the common elements, method of determining liability for common expenses, right to common profits or voting rights of any unit unless such amendment has been approved by the owners of the affected units.

<<(3)->><<+(6)+>> The declaration may not be amended to limit or diminish any right of a declarant reserved under ORS 100.105(2) or (7) or any other special declarant right without the consent of the declarant. However, the declarant may waive the declarant's right of consent.

<<+(7) Nothing in this section shall affect any other approval that may be required by the declaration, bylaws or other instrument.+>>

<<+(8) An amendment to a declaration or a supplemental declaration shall be conclusively presumed to have been regularly adopted in compliance with all applicable procedures relating to such amendment unless an action is brought within one year after the date such amendment was recorded or the face of the recorded amendment indicates that the amendment received the approval of fewer votes than are required for such approval. However, nothing in this subsection shall prevent the further amendment of an amended declaration or plat in accordance with ORS 100.005 to 100.625.+>>

**TO ADD NEW ORS 100.140, EXERPT FROM SENATE BILL 1037:**

<<+(1) A floating structure described in ORS 100.020(3)(b)(D) that constitutes part of a condominium may be temporarily relocated for purposes of safety, renovation, repair or remodeling without affecting its status as a condominium or real property. However, if the floating structure is not returned to its original location within 18 months after the relocation, the condominium shall be terminated or, if there are remaining units, partially terminated pursuant to ORS 100.600 and subsection (2) of this section.+>>

<<+(2) If the condominium is terminated, all security interests affecting any interest in the condominium shall continue to be considered a security in real property after the termination, notwithstanding that the floating structure portion of the condominium may be physically moved from its permanent moorage.+>>

<<+(3) When a floating structure has been relocated under subsection (1) of this section, the board of directors of the association shall give written notice of the temporary location of the structure to the county assessor within 10 days of the relocation.+>>

**TO AMEND ORS 100.175, EXERPT FROM SENATE BILL 1037:**

100.175. (1) The declarant shall establish a reserve account for replacement of those common elements all or part of which will normally require replacement in more than three and less than 30 years. The items may be identified as those which are insurable by a common carrier of all purpose risk insurance.

(2) The reserve account must be funded by assessments against the individual unit assessed for maintenance of items for which the reserve account is being established. The assessment under this subsection will accrue from the time of the conveyance of the first individual unit assessed and may be shown as a separate item in the reservation agreement or unit sales agreement. The declarant may elect to defer payment

of the accrued assessment for a unit under this subsection until the time of conveyance of the unit. <<+However, election by the declarant to defer payment of accrued assessment shall be limited to a period of three years from the date the declaration is recorded.+>>

[Editor's Note: no changes were made to (3) through (6).]

<<-(7) Following the second year after the unit owners have assumed administrative responsibility for the association under ORS 100.210, future assessments for the reserve account may be reduced, eliminated or increased by an affirmative vote of not less than 75 percent of all voting rights.->>

<<-(8)->><<+(7)+>> Assessments paid into the reserve account are the property of the association of unit owners and are not refundable to sellers of units. Sellers of units may treat their outstanding share of the reserve account as a separate item in a unit sales agreement.

**TO AMEND ORS 100.310, EXERPT FROM SENATE BILL 1037:**

100.310. (1) Prior to the sale of any dwelling unit which is to be retained as a unit in the conversion condominium without substantial alteration in its physical layout, the declarant shall first offer to sell the respective unit to the tenant who occupies the unit. The offer shall:

(a) Terminate 60 days after its receipt or upon written rejection of the offer by the tenant, whichever occurs earlier.

(b) Be accompanied by a copy of all applicable disclosure statements issued by the Real Estate Commissioner pursuant to ORS 100.700 <<-, or where a public report has been waived, a statement to that effect->>.

(c) Not constitute a notice to terminate the tenancy.

**TO AMEND ORS 100.405, EXERPT FROM SENATE BILL 1037:**

(1) An association of unit owners shall be organized to serve as a means through which the unit owners may take action with regard to the administration, management and operation of the condominium . . .

(5) Subject to subsection (6) of this section, unless expressly prohibited by the declaration, the association has the authority to <<+grant,+>> execute, acknowledge, deliver and record on behalf of the unit owners leases, easements, rights of way, licenses and other similar interests affecting the general common elements and consent to vacation of roadways within and adjacent to the condominium.

<<+(8) Unless expressly prohibited by the declaration, any action of the general association permitted under subsections (5) and (6) of this section regarding a general common element may be taken with respect to any limited common element, provided that the owner of the unit to which the use of the limited common element is reserved and the holder of any mortgage or trust deed affecting the unit consent to the action and also execute an instrument as provided under subsection (7) of this section.+>>

<<+(9) Except as otherwise provided in the association's declaration or bylaws, the board of directors of the association may modify, close, remove, eliminate or discontinue the use of a general common element facility or improvement or portion of the common element landscaping, regardless of whether such facility, improvement or landscaping is mentioned in the declaration or shown on the plat provided that:+>>

<<+(a) Nothing in this subsection shall be construed as limiting the authority of the board of directors, in its discretion, to seek approval of such modification, closure, removal, elimination or discontinuance by the unit owners; and+>>

<<+(b) Modification, closure, removal, elimination or discontinuance other than on a temporary basis of any swimming pool, spa or recreation or community building must be approved by at least a majority of the unit owners voting on such matter at a meeting or ballot meeting held in accordance with the declaration and bylaws.+>>

**TO ADD NEW ORS 100.425, EXERPT FROM SENATE BILL 1037:**

<<+(1) Unless prohibited or limited by the declaration, articles of incorporation or bylaws, any action that may be taken at any annual, regular or special meeting of the association of unit owners may be taken without a meeting if the association delivers a written ballot to every association member that is entitled to vote on the matter.+>>

<<+(2) A written ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action.+>>

<<+(3) Matters that may be voted on by written ballot shall be deemed approved or rejected as follows:+>>

<<+(a) If approval of a proposed action otherwise would require a meeting at which a certain quorum must be present and at which a certain percentage of total votes cast is required to authorize the action, the proposal shall be deemed to be approved when the date for return of ballots has passed, a quorum of unit owners has voted and the required percentage of approving votes has been received. Otherwise, the proposal shall be deemed to be rejected; and+>>

<<+(b) If approval of a proposed action otherwise would require a meeting at which a specified percentage of unit owners must authorize the action, the proposal shall be deemed to be approved when the percentage of total votes cast in favor of the proposal equals or exceeds such required percentage. The proposal shall be deemed to be rejected when the number of votes cast in opposition renders approval impossible or when both the date for return of ballots has passed and such required percentage has not been met. Unless otherwise prohibited by the declaration, articles of incorporation or bylaws, the votes may be counted from time to time before the final return date to determine whether the proposal has passed or failed by the votes already cast on the date they are counted.+>>

<<+(4) All solicitations for votes by written ballot shall state the following:+>>

<<+(a) If approval of a proposal by written ballot requires that the total number of votes cast equal or exceed a certain quorum requirement, the number of responses needed to meet such quorum requirement; and+>>

<<+(b) If approval of a proposal by written ballot requires that a certain percentage of total votes cast approve the proposal, the required percentage of total votes needed for approval.+>>

<<+(5) All solicitations for votes by written ballot shall specify the period during which the association shall accept written ballots for counting, which period shall end on the earliest of the following dates:+>>

<<+(a) If approval of a proposed action by written ballot requires that a certain percentage of the unit owners approve the proposal, the date on which the association has received a sufficient number of approving ballots;+>>

<<+(b) If approval of a proposed action by written ballot requires that a certain percentage of the unit owners approve the proposal, the date on which the association has received a sufficient number of disapproving ballots to render approval impossible; and+>>

<<+(c) In all cases, a date certain on which all ballots must be returned to be counted.+>>

<<+(6) Except as otherwise provided in the declaration, articles of incorporation, or bylaws, a written ballot may not be revoked.+>>

**TO AMEND ORS 100.450, EXERPT FROM SENATE BILL 1037:**

100.450. (1) Whenever an association of unit owners levies any assessment against a unit, the association of unit owners, upon complying with subsection (2) of this section, shall have a lien upon the individual unit and the undivided interest in the common elements appertaining to such unit for any unpaid assessments and interest as provided in subsection (2)(b) of this section. The lien shall be prior to <<+a homestead exemption and+>> all other liens or encumbrances upon the unit except:

(a) Tax and assessment liens; and

<<-(b) A prior mortgage or trust deed of record.->>

<<+(b) A prior mortgage or trust deed of record unless:+>>

<<+(A) The condominium consists of less than seven units, all of which are to be used for nonresidential purposes;+>>

<<+(B) The declaration provides that the lien of any mortgage or trust deed of record affecting the property shall be subordinate to the lien of the association provided under subsection (1) of this section; and+>>

<<+(C) The holder of any mortgage or trust deed of record affecting the property when the declaration is recorded executes a separate subordination of the holder's interest to the declaration which is attached as an exhibit and which states that the holder understands that the declaration subordinates the holder's lien to the assessment lien of the association provided under subsection (1) of this section.+>>

**TO AMEND ORS 100.475, EXERPT FROM SENATE BILL 1037:**

100.475. (1) A unit owner shall be personally liable for all assessments imposed on the unit owner or assessed against the unit by the association of unit owners.

(2) Where the purchaser of a unit obtains title to the unit as a result of foreclosure of the first mortgage or trust deed, such purchaser, the successors and assigns of the purchaser, shall not be liable for any of the assessments against such unit or its owner which became due prior to the acquisition of title to such unit by such purchaser <<+except as specifically provided otherwise in ORS 100.450.+>> Such unpaid assessments shall be a common expense of all the unit owners including such purchaser, the successors and assigns of the purchaser.

(3) [no changes.]

**TO AMEND ORS 100.600, EXERPT FROM SENATE BILL 1037:**

100.600. (1) <<+(a)+>> Subject to ORS 100.605, the condominium may be terminated if all of the unit owners remove the property from the provisions of this chapter by executing and recording an instrument to that effect and the holders of all liens affecting the units consent thereto or agree, in either case by instruments duly recorded, that their liens be transferred to the undivided interest of the unit owner in the property after the termination. The instrument shall state the interest of each unit owner and lienholder as determined under ORS 100.610.

<<+(b) The recording of an instrument of termination shall vacate the plat but shall not vacate or terminate any recorded covenants, restrictions, easements or other interests not imposed under the declaration or bylaws or any easement granted by the plat unless the instrument of termination otherwise provides.+>>

<<+(c) Before the instrument of termination may be recorded, it must be signed by the county assessor for the purpose of acknowledging that the county assessor has been notified of the proposed termination.+>>

<<+(d) The person offering the instrument of termination for recording shall cause a copy of the recorded instrument, including the recording information, to be filed with the commissioner. The county clerk shall promptly provide a certified copy of the recorded instrument of termination to the county assessor and the county surveyor. Upon receipt of the instrument of termination, the county surveyor shall make appropriate annotations, including the date and surveyor's name or initials, with archival quality black ink on the plat and any copies filed under ORS 92.120.+>>

<<+(e) Failure to file the copies as required under paragraph (d) of this subsection shall not invalidate the termination.+>>

\* \* \*

(3) The amended plat required under subsection (2) of this section shall:

(a) Comply with ORS <<+100.115(6);+>> <<-92.050, 92.060(1) and (2), 92.080, 92.120, 100.115(4) and (6) and the requirement for an exact copy upon request as specified in ORS 100.115(1) with respect to an amended plat;->>

(b) Include a "Statement of Removal" that the property described on the amended plat is removed from the condominium and that the condominium exists as described and depicted on the amended plat. Such statement shall be made by the chairperson and secretary of the association and acknowledged in the manner provided for acknowledgment of deeds; <<+and+>>

<<-(c) Include a surveyor's certificate complying with ORS 92.070; and->>

<<-(d)->><<+(c)+>> Include such signatures of approval as may be required by local ordinance or regulation.

**TO AMEND ORS 100.640, EXERPT FROM SENATE BILL 1037:**

The following documents and information shall be submitted to the commissioner as part of the filing required under ORS 100.635:

\* \* \*

(4) A statement from the county assessor that the name for the condominium is acceptable under ORS 100.105<<-(5)->><<+(6)+>>;

**TO AMEND ORS 100.655, EXERPT FROM SENATE BILL 1037:**

100.655. (1) The disclosure statement submitted to the commissioner as part of a filing under ORS 100.635 shall contain the following information:

\* \* \*

(g) A description of any provisions made in the budget of the condominium for reserves for capital expenditures for repair or replacement of common elements, including provisions required by ORS 100.175, and an explanation of the basis for such reserves <<+;+>> <<- , or, where no provision is made for such reserves, a statement in at least 8-point type to that effect;->>

(h) In the case of a conversion condominium, a statement of:

<<-(A) The present condition of all structural components and major mechanical and utility installations in the condominium, the statement shall include the approximate dates of construction installation and the estimated useful physical life of each such item; and->>

<<+(A) The present condition of all structural components and major mechanical and utility installations in the condominium, including the approximate date of construction and a reasonable estimate of the remaining useful life of, at a minimum, the roof, siding, plumbing, electrical, HVAC system, asphalt, sidewalks and decks;+>>

<<+(B) Whether or not the assessment of conditions under subparagraph (A) of this paragraph, which shall be in 8-point or larger type, was prepared by a licensed engineer, architect or home inspector; and+>>



<<-(B)->><<+(C)+>> The statutory procedure required to create a conversion condominium;

**TO AMEND ORS 443.740, EXERPT FROM SENATE BILL 447:**

[Editor's Note: no changes to sections one or two.]

(3) Any list of adult foster homes maintained or distributed by the department or a local licensing office shall include <<-the number of substantiated complaints for each of the adult foster homes for the lesser of the preceding five years or the period beginning January 1, 1992->> <<+notification to the reader of the availability of public records concerning the homes+>>.

**TO AMEND ORS 209.250, EXERPT FROM SENATE BILL 349:**

(1) Any registered professional land surveyor making a survey of lands within this state wherein the surveyor establishes or reestablishes a boundary monument shall, within 45 days thereafter, <<-file->> <<+submit for filing+>> a map of the survey <<-with->> <<+to+>> the county surveyor <<+for review+>>. <<+When filed,+>> the map shall be a permanent public record in the office of the county surveyor. <<-When applicable->> <<+In establishing or reestablishing a public land survey corner,+>> the surveyor shall comply with ORS 209.070(4), 209.130 and 209.200.

(2) Such map shall have a written narrative <<-which->> <<+that+>> may be on the face of the map. If the narrative is a separate document, the map and narrative shall be referenced to each other. The map and narrative shall be <<-of a permanent nature on stable base reproducible material and made in sizes as required by the county surveyor->> <<+made with archival quality black ink or silver halide permanent photocopy on archival quality drafting material in such size as may be required by the county surveyor.+>> The lettering on the map and narrative shall be of such size and clarity . . .

(3) Such map shall show the following:

\* \* \*

(e) All measured bearings, angles and distances that are used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record together with the recording reference. <<+Metric measurements may be used if a conversion to feet is provided.+>>

\* \* \*

(4)(a) <<+Within 30 days of receiving a map under this section,+>> the county surveyor shall <<-promptly file and index maps that comply with subsections (1), (2) and (3) of this section->> <<+review the map to determine if it complies with subsections (1), (2) and (3) of this section and any applicable local ordinances. A map shall be indexed by the county surveyor within 30 days following a determination that the map is in compliance with this section.+>> Any survey prepared by the county surveyor in an official or private capacity shall comply with subsections (1), (2) and (3) of this section.

(b) Any survey map found not to be in compliance with subsection (1), (2) or (3) of this section shall be returned <<+within 30 days of receipt+>> for correction to the surveyor who prepared the map. The surveyor shall return the corrected survey map to the county surveyor within <<-20->> <<+30+>> days of receipt of the survey map from the county surveyor.

(c) Any map that is not corrected within the specified time period shall be forwarded to the State Board of Examiners for Engineering and Land Surveying for action, as provided in subsection <<-(10)->> <<+(11)+>> of this section.

\* \* \*

(7) The county surveyor shall <<-promptly->> file and index reports that comply with subsections (5) and (6) of this section <<+within 30 days of determining compliance.+>>

\* \* \*

<<+(10) The signature and stamp of a registered professional land surveyor on any survey map or plat constitutes certification that the map or plat complies with all applicable provisions of this chapter.+>>

[Editor's Note: only change in remaining sections is to re-number them because of the addition of the new (10) above.]

# NOTES

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